

AD-760 473

MADISON AVENUE AND THE U. S. ARMY: AN
ANALYSIS OF THE USE OF BROADCAST
ANNOUNCEMENTS, PAID OR FREE, TO RECRUIT
U. S. ARMY PERSONNEL

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1972

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STUDENT ESSAY

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29 DECEMBER 1972

AD 760473

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(Essay)

MADISON AVENUE AND THE U. S. ARMY;

An Analysis of the Use of Broadcast Announcements, Paid or Free,
to Recruit U. S. Army Personnel .

by

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ABSTRACT

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TITLE: Madison Avenue and the U.S. Army
FORMAT: Essay

In the spring of 1971, the U.S. Army turned for the first time to the use of paid announcements on commercial radio and television in its effort to recruit for a "modern volunteer army" (MVA). Congressional leaders questioned the use of public funds for this purpose, proposing that broadcast stations licensed by the Federal Communications Commission to use the "public airwaves" should be obligated to offer free airtime -- presumably in the traditional form of public service announcements (PSAs) such as most stations present in behalf of "non-profit" organizations.

This paper analyzes the statutory and constitutional status of commercial broadcasting, explores the background of PSA carriage, and assesses the relative strengths and weaknesses of reliance by the Army on free and paid advertising. It concludes that, in any serious promotion effort, paid advertising alone holds the promise of exploiting the full selling power of the electronic communications media.

In the spring of 1971, the U. S. Army turned for the first time to paid advertising on radio and television as a component of its overall recruiting effort. Central to this decision may have been such diverse considerations as the contemplated transition to a "modern volunteer army", reduced draft calls, and the need to counteract a pervasive anti-military mindset among 17-to-21 year old American males, the Army's principal clientele.

Such considerations aside, this choice of strategy is hardly surprising. The electronic media constitute a massive and influential fact of life in contemporary American society, and not least among young people. Television alone far outstrips newspapers as the principal source, and the most trusted source, of news and information; television and radio combined have moved far ahead of all the print media combined.¹ As a purveyor of goods and services, television and radio in 1971 accounted for advertising expenditures

1. According to a September 1972 survey by R. H. Bruskin Associates, 87 percent of respondents listed television and/or radio as "principal source" and 58 percent, newspapers and magazines (with multiple answers permitted). On the "believability" scale -- with only first choices permitted -- the figures were 60 percent and 28 percent respectively. See Broadcasting, vol. 83, no. 21, November 20, 1972, p. 17.

of some \$4 billion -- more than 20 percent of all such expenditures on all advertising vehicles, from billboards to magazine ads to hand-delivered throwaways.²

Television is more than influential: it is omnipresent. As the President noted in his Special Message to the Congress on Education (1970), by age 16 the average American has watched somewhere between 12 and 15 thousand hours of television and spent more time in front of the tube than total hours in the classroom. It is outranked only by sleep as principal time-consumer among young people.³

When the Army decided to utilize radio and television as a deliberate recruiting device, it was by no means its first use of the electronic media -- and print advertising, both paid and free,

2. These data were provided by the Television Bureau of Advertising, a principal industry clearinghouse. Market surveys and other precise impact studies tend, understandably, to be closely held as proprietary information. It is also of some importance to note that although everyone assumes the great impact of television advertising, no one has yet devised a generally-accepted scientific methodology for measuring it. Among the most authoritative general studies are Wilbur Schramm and Donald F. Roberts, The Process and Effects of Mass Communication (Urbana, Ill.: Univ. of Illinois Press, 1971) and Gary A. Steiner, The People Look at Television (New York: A. A. Knopf, 1963).

3. Cf. the Report of the National Commission on the Causes and Prevention of Violence (Washington: U. S. Government Printing Office, 1969) which asserts that between one-fourth and one-half of all waking hours of children through age 16 are spent watching television, and more among boys than girls. Beyond age 16, total viewing hours fall off, but not by much.

goes back many years. From the very beginnings of radio, recruiting messages for the military services have been carried free as so-called PSAs -- public service announcements -- by thousands of broadcast stations.⁴ Indeed, this very fact became a source of controversy in connection with the outright expenditure of public funds -- \$10.6 million during the spring of 1971 -- to advertise military service over the "public airwaves". Rep. F. Edward Hebert, Chairman of the House Armed Services Committee, was particularly critical of the practice. Rep. Lionel Van Deerlin actually introduced H. Con. Res. 215 (in March 1971) which would have barred such expenditures altogether.⁵ Although a proposed

4. No one keeps accurate statistics as to the number or frequency or subject matter of PSAs, nor indeed as to each broadcast licensee's practice in this regard. One reliable estimate is that in a typical year, the nation's 750 commercial television licensees alone (radio aside) carry some 8 to 10 million public service spots, generally of 30 to 60 seconds duration. These run the full gamut, from canoe safety to "keeping America beautiful" to armed forces recruitment. See Edith Efron, "See Here, America!", in TV Guide, July 17, 1971, pp. 5-6. The Television Information Office, a service unit funded by the major networks and the National Association of Broadcasters, estimates that these PSAs represent a "market value" of about \$450,000,000 annually.

5. The House Committee on Interstate and Foreign Commerce held formal hearings, April 21-22, 1971, on the Van Deerlin proposal, but it was never reported out of Committee.

explicit ban against paid advertising was in the end omitted from the FY 1973 Defense Appropriations Act, so too was any line item allocating substantial funds for a follow-on to the 1971 campaign.

The questions Chairman Hebert has been raising, in effect, are these: why, since the American people "own" the airwaves over which licensees broadcast, should they pay for radio and television time -- and least of all to advertise so essential a message as the need to attract sufficient volunteer manpower to maintain a standing army? As a corollary, he is asking why PSAs should not be mandated in behalf of so clear a "public service" objective.

THE STATUTORY SCHEME OF BROADCASTING

These questions go to the overall statutory scheme of the American system of broadcasting and, more specifically, to the rationale governing the choice and use of PSAs.

The Public Trustee Concept. Without attempting to canvass all the principles of law and political economy that may have entered into the decision, it is sufficient for present purposes to note that the Communications Act of 1934 (which, inter alia, established the Federal Communications Commission) articulated a "public trusteeship" approach to the system of commercial broadcasting

in this country. It was and remains unique in the annals of broadcasting worldwide, and it is typically American. As further embellished by the Supreme Court in such landmark decisions as NBC and Red Lion,⁶ this approach can be summarized in the following propositions: (1) because the radio spectrum is inherently limited, its use can never be open to all; (2) broadcast stations are licensed by the F. C. C. to serve the "public convenience, interest, or necessity" and are allocated valuable spectrum space because of their significant contribution to an informed citizenry; (3) each licensee must act, in effect, as a trustee to the general public and must, among other services, address "issues of public concern" in a reasonable, balanced manner; (4) in keeping with the principles of this Republic, responsibility for maintaining free and open lines of communication is best reposed in a multiplicity of private entrepreneurs operating under only the most general of guidelines; and (5) as a consequence, editorial and programmatic judgments are best left to the licensee -- on the ground that detailed governmental intrusion into the process of communicating ideas and information would give rise to evils far greater than those such intrusion might seek to remedy.

6. Cf. National Broadcasting Co. v. U.S., 319 U.S. 190 (1943) and Red Lion Broadcasting Co. v. F.C.C., 395 U.S. 367 (1969). Both citations refer to the annual editions of the Supreme Court Reports.

This exposition is necessarily broad-brush, but it conveys some flavor of the environment within which radio and television stations operate. The F. C. C., by statute, is more than merely a traffic cop with respect to spectrum allocation. But its regulatory functions are sharply delimited (and wisely so in this writer's view) by the constraints of the First Amendment and by Section 326 of the Communications Act itself.⁷

Public Service Announcements. Section 307(c) of the Act directed the Commission, as one of its first orders of business, to "study the proposal that Congress by statute allocate fixed percentages of radio broadcasting facilities to particular types or kinds of non-profit activities" and to report back its recommendations. The Commission held prolonged hearings and received testimony from numerous educational and religious organizations, the American Federation of Labor, the Women's National Radio Committee, and the Farmers' Union (to name only a handful) as to the importance of broadcasting and the services they could render the public thereby. For their parts, networks and stations assured the Commission of their willingness to supply free time for non-profit organizations and for public service programming.

7. Section 326 reads as follows: 'Nothing in this Act shall be understood or construed to give the Commission the power of censorship over the radio communications or signals transmitted by any radio station, and no regulation or condition shall be promulgated or fixed by the Commission which shall interfere with the right of free speech by means of radio communication.'

In its report to the Congress, the Commission recommended against the reservation of specific percentages of facilities for the use of such organizations -- against, that is to say, their becoming actual station licensees. The Commission noted the expressed willingness of commercial broadcasters to afford opportunities for public service presentations and then concluded in the following words:

It would appear that the interests of the non-profit organizations may be better served by the use of existing facilities, thus giving them access to costly and efficient equipment and to established audiences, than by the establishment of new stations for their particular needs. In order for non-profit organizations to obtain the maximum service possible, cooperation in good faith by broadcasters is required . . . [and] should, therefore, be under the direction of the Commission. . . . It is our firm intention to assist non-profit organizations to obtain the fullest opportunities for expression.⁸

Note in particular the Commission's reference to the use of "costly equipment" and access to "established audiences" as the rationale for utilizing commercial facilities in the public interest, a consideration of continuing relevance to the U. S. Army or to any other "non-profit" organization that wishes to reach a mass public. The Report of 1934

8. Report to the Congress, pp. 6, 9-10, reprinted in the Commission's "Blue Book" (Public Service Responsibility of Broadcast Licensees), March 7, 1946, at p. 57. Mimeo., available on request from the F. C. C., Washington, D. C. 20554.

was directed to program time, to be sure, but opportunities for non-profit organizations obviously extend to spot announcements as well.⁹

COMMISSION POLICY ON PUBLIC SERVICE ANNOUNCEMENTS

In its application forms for renewal and for initial license, the Commission asks the present or prospective licensee to "state the number of public service announcements broadcast [or "proposed to be broadcast"] during the composite [or "typical"] week". And, in connection with each licensee's obligation to ascertain the problems and needs of the community to be served and to present programming addressed to those problems and needs, the licensee or applicant may point to PSAs as one way of meeting this obligation.

The licensee or applicant is not required to present PSAs: it is a matter of choice. Nor, as noted before, does the Commission lay down any hard-and-fast rules about the number or frequency or subject matter: like all programming decisions, this is subject to the "good faith, reasonable judgment" of the licensee -- in keeping with Section 326 of the Act. If a station does present PSAs, however, complainants may raise questions about the licensee's service to the community if

9. Quoting again from the Blue Book, "a sustaining public service announcement (PSA) is an announcement which is not paid for by a sponsor and which is devoted to a non-profit cause -- e.g., war bonds, Red Cross, public health, civic announcements, etc."

it can be shown that "he has consistently refused to broadcast certain public service announcements",¹⁰

This proposition has most recently been tested in connection with PSAs that involve urgent community problems -- such as, for example, a pervasive pattern of racial discrimination. A licensee could not get away with the practice of never presenting PSAs in behalf of black organizations or "causes" closely identified with the black community, particularly where blacks constitute a substantial segment of the total population served.¹¹ But this ruling has only limited precedential value. It is virtually impossible to conceive of a persuasive argument being made that if a station were to decide against the carriage of army recruitment PSAs (or Keep America Beautiful spots or Peace Corps promotions), it would somehow be guilty of discrimination with respect to the problems, needs, and interests of its community of license. Army recruitment announcements would either be seen as "routine" -- in which case the licensee's judgment among a flood of competing and equally meritorious PSAs would surely be upheld -- or as "emergency" in nature in connection with some raging public controversy -- in which case the licensee and the announcement

10. Time-Life Broadcasting Co., Inc., 33 F. C. C. 2d 1081, 1095 (1972). This and subsequent citations of Commission rulings refer to annual compilations (F. C. C. Reports) issued by the U. S. Government Printing Office.

11. Cf. Lamar Life Broadcasting Co., 38 F. C. C. 1143 (1965).

would become embroiled in a context quite apart from normal, routine public service: namely, that of the so-called "fairness doctrine".

PSAs and the Fairness Doctrine. The Commission's fairness doctrine is indeed applicable to PSAs if they present one side of a controversial issue of public importance. (In simplest terms, the fairness doctrine requires each licensee to address such issues and to do so in its overall programming in a reasonably "balanced" manner -- not, however, with precise mathematical equality; equal time applies only to appearances by candidates for public office.) As a matter of pragmatics, if a licensee believes that a particular PSA does in fact argue one side of a controversial issue, he will generally resolve the matter by not presenting it in the first place. Complaints arise when the licensee's judgment in this regard is challenged.

When ruling on such complaints, the Commission by long precedent sustains the licensee's judgment if it is "reasonable"; put the other way around, the complainant has a very heavy burden of proof to show that the licensee has acted arbitrarily in the circumstance of each case.

Two examples drawn from recent Commission experience, one of which directly involved armed forces recruitment announcements, may throw additional light on this established procedure.

One case turned on the particular facts of a United Givers Fund campaign in Dayton, Ohio.¹² A local station was presenting PSAs in behalf of the United Appeal, Dayton's version of UGF. But in Dayton at this particular time, the question of allocating the Appeal's funds was a matter of great controversy, as the station in its own news coverage in effect admitted. Thus, on the basis of the facts before it, the Commission ruled that the station's presentation of PSAs did enter into its treatment of a controversial issue of public importance and had in fact "unbalanced" its overall programming on the issue in question.

A second example involved armed forces recruitment announcements. Complainants charged that these announcements, carried as PSAs on several San Francisco broadcast stations, did raise a controversial issue of public importance:

There are many groups in the San Francisco area who do not believe it is beneficial to the individual or society at large for people to participate in the armed forces; armed forces recruitment cannot be considered without reference to the war in Vietnam since the primary purpose of the U. S. Armed Forces is to fight wars, and a military recruit is very likely to be stationed in the Vietnam war zone at some time during his military career ... ; and there are many

12. United Appeal of Dayton, F. C. C. 71-1075. There is a petition for reconsideration still pending, and so the Commission's action is not yet conclusive.

groups in the San Francisco area who believe the best course of action for young men 'is to seek one of the many possible deferments from military service provided for by Congress'.¹³

While conceding that recruitment PSAs could conceivably address controversial issues and thus raise fairness obligations, the Commission ruled that the stations had acted reasonably in making the contrary judgment in this instance:

In the present case, we do not believe that the broadcast of Armed Forces recruitment messages, any more than similar recruitment messages for policemen, firemen, teachers, census enumerators, peace corps volunteers, etc., in and of itself raises a controversial issue of public importance requiring presentation of conflicting viewpoints. We note that the power of the Government to raise an army has not been questioned; rather, the thrust of the complaint is an objection to the use made of the army (war in Vietnam) and the manner in which manpower is conscripted (Selective Service draft).¹⁴

Both the D. C. Court of Appeals and the Court of Appeals for the Ninth Circuit affirmed the Commission in this line of related rulings. The Court in the latter case noted that "in viewing a complaint the Commission does not substitute its judgment for that of the licensee but rather determines whether the licensee has acted reasonably and

¹³. Arguments cited by the Commission in Letter to Mr. Donald A. Jelinek, 24 F. C. C. 2d 156 (1970).

¹⁴. Ibid., at 158. Similar cases in point are In re Complaint of David C. Green, 24 F. C. C. 2d 171, and In re Complaint of Alan F. Neckritz, 24 F. C. C. 2d 175.

in good faith" -- the same grounds, be it noted, on which the Commission defers to the licensee's judgment with respect to carriage of PSAs in the first place.¹⁵

Summing up the argument to this point: (1) PSAs can raise fairness issues; (2) they only rarely do so, however, in the long-standing judgment of the Commission and the courts; but (3) the rationale for this judgment is very nearly identical to that underlying the licensee's broad discretion with regard to the threshold question of PSA carriage, and to the frequency and subject matter of such carriage. PSAs are, in effect, mini-programs. And programming choices, across the board, are the virtually inviolable prerogative of the broadcast licensee. The entire thrust of the constitutional and legal basis of the U.S. commercial broadcast system counsels strongly against intrusion by the Federal Communications Commission, or by any other arm of the Federal Government, into the process of programming choice and editorial judgment that is properly the responsibility of the broadcaster qua public trustee. There are exceptions to every general principle of course; but, in this area, the burden of proof must rise to the level of a compelling national necessity.

15. See Green v. F.C.C., 447 F. 2d 323, and Neckritz v. F.C.C., 446 F. 2d 501.

PAID VERSUS FREE RECRUITMENT ANNOUNCEMENTS

Quite aside from the "preferred" constitutional/legal status of broadcasting per se, there is a further line of analysis that counsels against Chairman Hebert's suggestion that PSAs be utilized as the leading edge of radio's and television's contribution to armed forces recruitment. The experience derived from the spring 1971 paid advertising campaign is here very much in point.¹⁶

The Gallup Organization developed a variety of data about PSAs in general and armed forces recruitment announcements in particular. Among the findings, the following bear most directly on the subject of this paper:

(1) The great majority of broadcast stations (in the range of 75 to 85 percent) treat locally-oriented PSAs -- on community fund

16. The description and evaluation of the paid advertising campaign referred to in the following paragraphs are drawn from two unclassified but closely held publications made available through the courtesy of the Office of the Chief of Staff, U. S. Army. Basic information is drawn from Stanford Research Institute, Effectiveness of the Modern Volunteer Army Advertising Program (Project MSU-1280) (Menlo Park, Calif.: December 1971). Specific data on broadcaster reaction are drawn from a study by the Gallup Organization for N. W. Ayer & Son, Inc., and USAREC, The Use of Public Service Announcements by Radio and Television Stations (Princeton, N. J.: Fall 1971).

drives and blood donor appeals, for example -- as higher priority than PSAs with a national orientation.

(2) In actual use, however, about half of all television stations devote half or more of their PSA time to national announcements.

(In the case of radio stations, priority and actual use are more nearly in line.)

(3) Army and other military recruitment announcements are given high priority (never precisely defined) by fewer than one-half of one percent of broadcast stations nationwide.

(4) Among stations not included in the paid campaign of 1971, about one-third are now giving Army PSAs "less play" than the year before (the range is from 19 percent of VHF television stations -- most of which are network affiliates in major markets -- to 39 percent of FM radio stations).

(5) Even among stations that were included in the paid campaign, anywhere from 14 to 19 percent are now giving less play to Army PSAs, and only 5 to 8 percent are now giving them more.

The conclusions to be drawn from these survey findings are obvious. First, insofar as radio-television promotion of armed forces recruitment is intended as more than a subliminal "come on" -- just keeping the name of the product in the eyes and ears of a mass audience

-- it is unlikely that PSAs can get the job done. They are too diffuse in their impact, and their presentation is hostage to all the stresses and strains of broadcast schedule-making. Second, and equally important, the mixture of free PSAs and paid advertisements invites the further problem of broadcaster resentment -- both on the part of stations excluded from the paid campaign and even of those included, who wonder why they should now be expected to give away time that once was paid for. The mixture is unstable and unpredictable.¹⁷

Precisely the strengths of a preplanned advertising campaign, whatever the medium, are its targeting to specific audiences, its control over the messages to be presented, and its concentration in terms of time and substance -- none of which are attributes of PSAs as normally handled. The spring 1971 MVA campaign took some advantage of all these strengths: announcements were run within or adjacent to programs with a known audience of young males (and of adult "influentials" as well); the messages were calculated to stress the career benefits of the modern volunteer army and other improvements in army "life style"; and they were concentrated during a period when career planning is uppermost among the primary target audience (i. e., just prior to high school graduation and the end of the academic year).

17. Cf., for example, typical reactions of broadcast stations as quoted in the Gallup survey. See answers to Q. 6b., unpagged.

The results of the campaign were hardly spectacular -- but they were measurable and apparently not to be explained by extraneous circumstance. Nationwide, there was a 12.7 percent increase (March-May 1971 compared to March-May 1970) in nonprior service active duty enlistments; and in the so-called "test area", where the announcements were doubled in frequency, there was an 18.8 percent increase.¹⁸ There was also a 226 percent increase in numbers of "inquiries" about army career opportunities compared to what past experience would have indicated for the period of the campaign and the weeks immediately thereafter. Other results were spotty: some of the specific themes of the campaign (e. g. , more than two-year enlistments) registered no apparent impact, and in some respects the test-area showed lesser returns than were registered nationwide (or higher returns within the range of statistical error).

The degree to which the campaign fell short, however, simply points up the strengths of paid advertising and the comparative inadequacies of reliance on PSAs. As the SRI research team noted in its report, the spring 1971 campaign was put together at the last moment, there were no scientifically rigorous "control" samples (involving, e. g. , substantial areas where no radio or television advertising was placed, or just the one or just the other), some spots were no longer available

18. See the Stanford Research Institute study at p. 109. Chapter VII, "Findings and Recommendations" (pp. 101-127), summarizes all the results in detail.

for time- and program-slots of known youth audience, and the advertising agency in charge of the campaign lacked sufficient leadtime for the kind of sophisticated market analysis of which the industry is capable. In short, the spring 1971 MVA campaign hardly exploited the full potential of radio and television advertising.

This is not to suggest that such advertising is essential in future recruitment efforts. It may be that direct mail, print promotions, and face-to-face contact between recruiters and the target audience are judged to have a higher pay-off (particularly in view of the fact that radio and especially television advertising address a mass audience and are extremely expensive). But this level of strategic planning is well beyond the scope of the present paper. If, however, it is judged that all stops must be pulled out in behalf of the MVA concept and that the electronic media are to be used -- and used effectively -- in the overall recruitment effort, then certain conclusions follow:

(1) PSAs can be neither targeted nor mandated, within the statutory and constitutional scheme of commercial broadcasting in America.

(2) They are not, as a consequence, rational "selling" vehicles in any scientific sense.

(3) Paid advertising is the only approach that has the potential at least of mobilizing the full impact of radio and television toward the effort in question.

(4) If paid advertising is used at all, it should be on a carefully preplanned basis -- implying necessary leadtime in terms of the budgetary cycle, and a deliberate attempt to convince the relevant Congressional leadership that investment of public dollars in such a campaign holds promise of maximum public benefit.


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