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# Public Relations Review



## Towards legitimacy and professionalism: A call to repeal the Gillett Amendment



Maureen Taylor\*, Michael L. Kent

University of Tennessee, Knoxville

### ARTICLE INFO

#### Article history:

Received 13 July 2015

Accepted 23 September 2015

Available online 10 December 2015

#### Keywords:

Public relations

Gillett Amendment

Ethics

Professional

Theory

Civil society

Repeal

Public Information Officer

Press Secretary

Public Affairs Officer

Associations

### ABSTRACT

This article represents a call to repeal the Gillett Amendment. The 1913 Gillett Amendment is often treated as a quirky fact of history relegated to the Introduction to Public Relations course. This article argues that the contemporary practice of public relations built on ethics, professionalism, theory, and research no longer resembles the conditions that precipitated the Gillett Amendment. We encourage professionals, scholars, and public relations associations to work together to repeal the Amendment and recognize government public relations as a legitimate communication practice necessary for a civil society.

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### 1. Introduction

In the early days of public relations, public relations practitioners were hired because of their journalism and press agency skills. Over the last century, the field of public relations has evolved into a fully professionalized practice grounded in theory, ethical codes of conduct, a unique body of scholarship, and national and international professional associations. Today, tens of thousands of practitioners work daily to represent organizational and public interests.

Yet, despite its evolution, the practice of public relations still remains largely misunderstood in American society and is equated with propaganda, flack, spin, and other pejorative terms. The legal framework guiding public relations' role in society, especially in regard to government public relations, is also problematic. Laws such as the Gillett Amendment (1913) and court cases like *Kasky v. Nike* (2000) cast doubt on the value of public relations as an open and truthful communication and information profession.

The purpose of this article is to rekindle interest and discussions among public relations professionals, scholar-educators, and professional associations about the legal environment of government public relations. More specifically, this article revisits the Gillett Amendment and argues that the ethics and professionalism that have emerged in public relations calls into question the rationale of the Amendment for limiting government–public communication.

\* Corresponding author.

E-mail address: [MaureenTaylor@utk.edu](mailto:MaureenTaylor@utk.edu) (M. Taylor).

We believe that the Gillett Amendment has far reaching negative implications for modern public relations. The first section of the article reviews the history of the Gillett Amendment and places it in the wider context of the role of government information in an era of public distrust of government. The second section of the article identifies the shortcomings of the Gillett Amendment for public relations and governmental communication. The third section illustrates how modern public relations theory, research, pedagogy, and ethics underpin current practices. Section four explains how newer theories of public relations including fully functioning society theory and civil society theory challenge the fundamental assumptions of the Gillett Amendment and question the relevancy of the law. The article concludes with a call for public relations educators, practitioners, professional associations, and government communicators to work together to repeal the Gillett Amendment and acknowledge the value of public relations communication and relationship building as valuable professional activities in the modern American democracy.

## 2. The Gillett Amendment: history and implications for modern public relations

Hiebert (1981) noted that the United States government has a unique communication problem: “We have a long standing tradition that governments at every level—federal, state, and local—should not engage too overtly or directly in communication with the people” (p. 3). This unique communication situation influences government communication practices and laws and provides a backdrop to understand how the Gillett Amendment was formulated and modified.

### 2.1. *The early years: mistrust within government*

In the late 1800s and early 1900s, the US government was expanding, as the Federal government and its various branches, bureaus, and offices, sought to simultaneously encourage and regulate the growing national economy, infrastructure, and wellbeing. Roads had to be built, services such as electricity and water provided, and Westward expansion brought both opportunities and challenges to American society. Decisions about how to use and protect the country’s natural resources were being made and the government needed to win support from other agencies and the public for its decisions (Pinkett, 1970). America’s entry into World War I necessitated a larger role for government and more communication with citizens. During this time, the media industry also grew, and government officials saw the mass media as a useful venue for providing information about their activities to the public. There were concerns that public relations by one governmental agency could turn public opinion against other governmental agencies. There was also competition and mistrust amongst government agencies. At the same time, the Muckrakers also became more powerful media voices, identifying injustice, abuse, and illegal behaviors across the nation (Sproule, 1989). The expansion of both government communication during wartime and increased media activities provide the backdrop for the Gillett Amendment.

At first glance, the Gillett Amendment is a modest 17-word statement added to the Deficiency Appropriation Act of 1913, Section 3107 of Title 5 of the United States Code: “Appropriated funds may not be used to pay a publicity expert unless specifically appropriated for that purpose.” The amendment was intended to stop government agencies from influencing the public and other government agencies. The amendment was modified in 1919 to also forbid government printing of documents and materials for the public.

### 2.2. *The latter years: mistrust of government*

The next important time for the Gillett Amendment was in the early 1970s, and included amendments in 1972, 1973 and 1974 to further limit the use of government money spent on publicity, propaganda, or to influence congressional legislation (see Runyan, 1981). The backdrop to the 1970s modifications included Watergate, the Vietnam War, homegrown terrorism, states rights versus civil rights, and the oil embargo. The Federal government was expanding in the 1970s with over 5 million employees working across agencies, bureaus and departments. The role and influence of the media in American society also grew, as television quickly became the dominant information source. The media’s role in uncovering Watergate also prompted questions about government, information, and the public. The Freedom of Information Act (FOIA) created in 1966 sought to make government more accountable to information requests by citizens and journalists. Thus a type of legislative double bind emerged (Runyan, 1981, p. 57), balancing continued restrictions on government communication with the media and public (Gillett Amendment), with the increasing needs of the public for information guaranteed by the FOIA.

### 2.3. *The purpose of the Gillett Amendment*

The Gillett Amendment started from a land dispute. Actually, the dispute was not over a particular parcel of land, but rather over which government agency should manage America’s forests. As Herold (1981) explains, in the early 1900s, the Interior Department managed America’s forests. President Roosevelt, an avid outdoorsman and one of the first environmentalists, wanted to protect America’s forest in an era of exploitation of natural resources (drilling, mining, water, timber) by industrialists.

In the early 20th century, the US Department of Agriculture shared Roosevelt’s view of the forests, and over time, had emerged as a powerful force in Washington as it created pamphlets and research reports that were widely distributed to the media. The Forestry Division of the USDA had been especially active in shaping public opinion about the value of forest

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