

First Amendment of the U.S. Constitution = freedom of speech & press "*Marketplace Of Ideas*" & "*No False Ideas*" 1st amendment-protects from government & not private censorship

First Amendment Parity :

- 1) Channel Scarcity
- 2) Conflict In Licensing
- 3) Intrusiveness

U.S. legislation makes laws to punish unprotected speech

- **LIBEL** (defamation by published words) broadcasting
- **SLANDER** (defamation by spoken words)

U.S. Criminal Code (section 1464) punishable "any obscene, indecent, or profane language by means of radio communication."

Cable Act of 1984 (fines & prison for anyone): "transmits over any cable system any matter which is obscene or otherwise unprotected by the constitution"

CDA (Communications Decency Act) of 1996 tried to make obscenity over the Internet illegal but was overturned

Fairness Doctrine by FCC in 1949 ended in 1987 = obligates stations to give "equal time" controversial issues /opposing views Congress kept two parts of doctrine:

- Personal Attack Rule (notify offended person in 1 wk.)
- Political Editorializing Rule (right to respond when licensee endorses)

U.S. Supreme Court upheld FD 1969 in RED LION decision

- AM/FM station WGCB (John Morris & Fred Cook)

Copyright law of 1976 allows authors & inventors to:

- License their works in exchange for royalties
- Copyright © - Books, music, motion pictures, broadcast programs computer programs & arts.
- NOT copyrightable are, titles, brand names , logos, & slogans. (Some can be trademarked)
- Lasts the life of the creator plus 70+ years

Public Domain/ Fair Use Compulsory Licensing Fair Use not for pirating cable TV but allows for recording signals "off-the-air" on your VCR in your own home (1976 "Sony Betamax" suit)

Internet Copyright issues Music is licensed for radio/TV (ASCAP, BMI, SESAC)

Who: Hollywood studios, FCC, Cable systems, OTP, Local broadcasters, 14 million CATV consumers.

When
1968-1972

What:

In 1968 The FCC put a "freeze" in effect that halted the development of cable systems in the top 100 markets with an "anti-leapfrogging" notice. Cable systems would have to obtain permission of any distant station before importing it; cable systems in 35-mile radius of TV stations in smaller markets have to carry nearest network, independent and public stations; while it considers new rules for cable (Community Antenna Television Systems, Inc., 15 FCC 2d 417).

Where: 100 largest markets

Why

At stake: The growth of cable, FCC jurisdictions/supervision of programming, channel usage, exclusivity for copyrighted television programming, copyright laws, freedom of the airwaves, interstate commerce relating to television and radio, retransmission laws, the definition of local, federal preemption of state and local controls, reruns, pay TV (sports), Interpretation of 1934 Communications Act and its ability to be adapted to modern technology

Summary:

The FCC had prevented Telephone companies and broadcast networks from acquiring cable systems in 1970. The young cable companies were struggling for programming and found the only way to raise money was if they imported signals from larger markets. (Mostly for sports) Hollywood was outraged at their inability to collect copyright royalties for the rebroadcasts. Advertisers enjoyed the increased benefits, where applicable.

Interesting Court Case

The Eighth Circuit holds the FCC could not require local origination. (1971)

Question Presented: Why and how did the fairness doctrine evolve in broadcast? How did it die?

Short Answers:

- Three early ideas became the pillars of the fairness doctrine:
 - o Early radio experience demonstrated that broadcast wavelengths were scarce. Everyone could not have access and government controls were enacted to license and oversee the broadcast stations.
 - o The airwaves could not be owned. They were seen as public property.
 - o This meant that licensed broadcasters were trustees of a public resource. Thus they were required to act in the public interest. The public had a right to objective information, and the public interest was not served by allowing the broadcasters a monopoly on the ideas which they disseminated into the airwaves.

- The fairness doctrine evolved as a response to the above ideas:
 - o The Radio Act of 1927 required stations to act in the public interest, and the Federal Radio Commission pushed the idea early that this meant fair coverage of public issues.
 - o The FCC, established by the Communications Act of 1934, adopted the FRC's approach and by 1949 had fully outlined the fairness doctrine's requirements in its report. The doctrine was justified on the basis of the scarcity of the airwaves and the right of the public to be objectively informed.
 - o In *Red Lion*, the Supreme Court essentially adopted the justifications previously laid out by the FCC and upheld the fairness doctrine. The constitutionality of the doctrine was established by the court, and was based upon the idea that the doctrine encouraged coverage of public issues and upheld the public's right to access of information.

- The fairness doctrine had two elements:
 - o First, radio stations were required to devote time to issues of public interest. The public's right to be informed was undermined if issues were avoided altogether.
 - o Second, when issues were covered, broadcasters were required to provide adequate coverage of both sides of the issue. This was to be determined in the stations overall program, and the implementation of the doctrine was generally at the discretion of the station.

- The doctrine died in the mid-1980s because:
 - o Deregulation was the fashion of the day under the Reagan administration. Many regulators were determined to see the doctrine repealed.
 - o The justifications of the doctrine lost their foundation. Technological changes meant that access was greater to broadcast media. The scarcity rationale no longer stood strong.
 - o Other forms of media became seen, as the previously had not been, as adequate forums to oppose ideas disseminated through broadcast. Thus, the listener's first amendment rights were no longer violated because of the availability of opposing views in other mediums.

- Most importantly, the FCC determined that the doctrine chilled free speech in its 1985 Report. This meant that it was no longer serving its constitutional purposes and therefore was denounced by the FCC in *Syracuse Peace Council*, and affirmed by the D.C. Court of Appeals.

Fairness Doctrine

I. The Ideas Behind the Fairness Doctrine Developed in the Early Days of Radio.

Radio has been regulated since its early days. Once broadcast radio became a reality, it exploded in popularity and use. In 1920, three regular broadcasting stations existed. By 1925, 578 stations were broadcasting regularly. The Radio Act of 1912 required all radio stations to receive a license from the Secretary of Commerce and Labor. Each broadcaster was assigned a wavelength on the spectrum. However, it was held early on that the Secretary did not have the authority to enforce what the broadcasting stations actually did. The result was much unfriendly competition amongst broadcasters. Stations would essentially broadcast in spite of each other, causing mixed signals and a hearing nightmare for the listeners. Many felt that the government needed to take control, and they had their wish.

In the mid-1920s, Hoover, then Secretary of Commerce and Labor, held a series of radio conferences. Their goal was to solve the situation of the jammed airwaves. In these conferences, two key ideas which would later uphold the fairness doctrine took root. The first is that the airwaves are public property. They cannot be owned by the stations, but belong to the American people. Stations were then public trustees of their assigned wavelength, and thus required to act in the public interest. The second idea is that the listener and the broadcaster share the right to freedom of speech. If the radio station was allowed free reign over its broadcasting, then the first amendment rights of the listener, in effect, would be violated. The listener was to be free of the editorial monopoly of the station owner. At the heart of the

problem was the scarcity of broadcasting wavelengths. Only so many could have access. This scarcity problem was a main pillar of the need for the fairness doctrine.

The Radio Act of 1927 was the ultimate result of the clamoring for government control. The Act created a five person Federal Radio Commission with the powers to grant and revoke licenses, assign frequencies, and determine station power and location. The beginnings of the fairness doctrine can be traced back to this act. The Act provided that the FRC should exercise its powers “as public convenience, interest, or necessity requires,” and that licenses were to be granted if the “public convenience, interest, or necessity” would be served.¹ The second part of the fairness doctrine, which requires both sides of an issue to be covered, is revealed in the legislative history of the 1927 Act. Many members of Congress attempted to amend the act to include a fairness requirement, and the “legislative history does reflect a congressional sensitivity to the problems of airwave scarcity, the need to present balanced public affairs information to the American people, and the danger of private partisan interests propagandizing their own views through the ether.” While the fairness doctrine was not included in the act, the seeds were sown.² The Communications Act of 1934 created the Federal Communications Commission. Its legislative history is similar to the 1927 Act in that it included discussion and attempts for a fairness requirement which was ultimately excluded from the passed law. It is reasonable to say, however, that despite the doctrine's exclusion, the authority of the commission to institute policies like the fairness doctrine was not questioned. In fact, the commission's authority was deferred to.³

1 Steven J. Simmons. *Fairness Doctrine: The Early History*. 29 Fed. Comm. B.J. (1976).

2 *Id.* at 233.

3 *Id.* at 241.

When the fairness doctrine was born is in some debate, but the FRC outlined what an essential element of the fairness doctrine as early as 1929 in the case of *Great Lakes Broadcasting*. The FRC discussed the key considerations when reviewing a license application and stated: “In so far as a program consists of discussion of public questions, public interest requires ample play for the free and fair competition of opposing views, and the commission believes that the principle applies not only to addresses by political candidates but to all discussion of issues of importance to the public...”⁴ This is a clear statement of what became known as part two of the fairness doctrine. The scarcity problem was cited as the general reason that equal access should be provided, and that the public interest can only be served through it.

II. The FCC Explicitly Establishes the Fairness Doctrine in Case Law and the 1949 Report.

The FRC demonstrated early that it was willing to deny licenses based upon public interest, and the FCC followed along the same path. In *Young People’s Association*, the FCC denied a license application to a group which wanted to use the station for religious-only broadcasts.⁵ The Commission decided that if a station intends to serve only one purpose, then it cannot be said to be serving the general public. Airwave scarcity was again cited to explain why a one-sided presentation was unacceptable. *Mayflower Broadcasting* solidified the second part of the fairness doctrine.⁶ Mayflower applied for the wavelength already allocated to WAAB, which was up for renewal. WAAB had in previous years aired editorial segments without any pretense of fairness. The Commission renewed their license because the activity had ceased.

⁴ *Id.* at 245.

⁵ *Young People’s Association for the Propagation of the Gospel*, 6 F.C.C. 178 (1938).

⁶ *Mayflower Broadcasting Corp.*, 8 F.C.C. 333 (1941).

However, the decision was important because it reaffirmed the importance of part two of the fairness doctrine. The decision stated:

Radio can serve as an instrument of democracy only when devoted to communication of information and the exchange of ideas fairly and objectively presented...Freedom of speech on the radio must be broad enough to provide full and equal opportunity for the presentation to the public of all sides of public issues. Indeed, as one license to operate in a public domain, the licensee had assumed the obligation of presenting all sides of important public questions, fairly, objectively, and without bias. The public interest – not the private – is paramount. These requirements are inherent in the conception of public interest set up by the Communications Act as the criterion of regulation. While the day to day decisions applying these requirements are the licensee's responsibility, the ultimate duty to review generally the course of conduct of the station over a period of time and to take appropriate action thereon is vested in the Commission.⁷

Thus, by 1941, the importance of objective coverage of public issues was established.

The fairness doctrine, as can be seen above, formed in the assumption that objective radio was important to the public interest. The idea that democracy required those in control of the broadcast channels take objective stances on issues, or at least present both sides thereof, was essential to the doctrine's development. Its origins are deep, and by the 1940s, the fairness of broadcasting was cemented. The development of the fairness doctrine was axiomatic. The airwaves are not private property. They are scarce and cannot be owned. However, it is in the best interest of the public to allow broadcasters to make use of the various wavelengths. Because these broadcasters are essentially trustees of public property, they must use it in ways which benefit the public. Not all voices can be allowed access to the airwaves, and therefore it would be against the public interest to allow those who do have access to dominate their broadcasting with their biases. The broadcasters must somehow then be regulated. It would be against the public interest (and against the constitution) to have government control program content. Therefore, broadcasters may choose their programming. But, when they discuss matters of

⁷ *Id.* at 339.

public importance, they must allow contrasting sides of important public issues access, so that the public interest may be served through objective or multifaceted presentations. Indeed, “an informed public opinion through the public dissemination of news and ideas concerning the vital public issues of the day” is vital to democracy.⁸ Such was the logic of the doctrine.

The affirmative duty of broadcasters to cover issues of public concern, which became known as the first part of the fairness doctrine, developed later than the first. The FCC realized that the public interest is also not served when broadcasters avoid the public issues entirely. Therefore, in its 1946 report entitled *Public Service Responsibility of Broadcast Licensees*, the Commission stated that, when granting or reviewing licenses, one consideration would be the quantity of time devoted to discussion of public issues.⁹ The FCC made it clear that stations would not be performing their public duty by trying to avoid the problem altogether. The commission enforced this provision only once in its history.

The 1949 Editorializing Report brought the pieces of the puzzle together in an FCC declaration. It set forth the basis for the doctrine (outlined above), parts one and two, made clear that editorializing was permissible, and suggested ways in which the doctrine was to be implemented. The first part of the doctrine was that broadcast stations had an affirmative duty because of their unique situation to devote time to the discussion of important public issues, and the second was to cover those issues on a “basis of overall fairness.”¹⁰ The station was still to have much discretion in the presentation of public issues, and fairness was looked at in overall programming. The decision also laid out the personal attack rule, that an attack on a specific

⁸ *Early History* at 269.

⁹ *Id.* at 263.

¹⁰ *Id.* at 272.

individual or group required notice and response time by that party if they so chose. Public issues were defined as “controversial,” “public,” and “of interest and importance to the community.”¹¹ The report did not set out specific rules, as if any could be formulated, and the implementation of the fairness doctrine was up to the broadcaster. The FCC responded to complaints and decided cases on an *ad hoc* basis.

In 1959, the Communications Act was amended to recognize the broadcaster’s obligation to abide by the fairness doctrine. The amendment exempted certain bona fide newscasts from fairness requirements. The amendment went on to remind the broadcasters about their “obligation imposed upon them under this Act to operate in the public interest...”¹² Thus, the language suggests that the fairness doctrine was already included in the Act, and that this section was a legislative re-affirmance of the policy.

The Supreme Court upheld the doctrine in *Red Lion*.¹³ The court based its decision on the scarcity problem. It announced that the doctrine was constitutional and did not violate the first amendment rights of broadcasters. The public had a right “to receive suitable access to social, political, esthetic, moral, and other ideas and experiences...The right may not constitutionally be abridged by Congress or by the FCC.”¹⁴ The court essentially accepted the previous justifications for the fairness doctrine.

III. Changes in Technology and the “Chilling” Effect of the Doctrine Lead to Its Downfall.

¹¹ *Id.* at 275.

¹² *Id.* at 288.

¹³ *Red Lion Broadcasting v. F.C.C.*, 395 U.S. 367 (1969).

¹⁴ Thomas Houser. *Fairness Doctrine - Historical Perspective*. 47 Notre Dame L. 550, 563 (1971-1972).

The fairness doctrine ran strong through the 1970s, but technology and the deregulation surge of the Regan administration began to change the landscape of the broadcast world and question the applicability of the fairness doctrine. By the mid 1980s the doctrine was seriously challenged. The Supreme Court noted in *F.C.C. v. League of Women Voters*¹⁵ that the scarcity rationale was becoming obsolete in the face of cable and satellite television. The court was not prepared to strike down the doctrine, but noting the criticism, all but welcomed some showing by the FCC or Congress that it was no longer needed.¹⁶

The Commission followed suit in 1985 with its Fairness Report. The Commission summed three reasons for the repeal of the doctrine.

First, in recent years there has been a significant increase in the number and types of information sources. As a consequence, we believe that the public has access to a multitude of viewpoints without the need or danger of regulatory intervention...Second, the evidence in this proceeding demonstrates that the fairness doctrine in operation thwarts the laudatory purpose it is designed to promote. Instead of furthering the discussion of public issues, the fairness doctrine inhibits broadcasters from presenting controversial issues of public importance. As a consequence, broadcasters are burdened with counterproductive regulatory restraints and the public is deprived of a marketplace of ideas unencumbered by the hand of government...Third, the restrictions on the journalistic freedoms of broadcasters resulting from enforcement of the fairness doctrine contravene fundamental constitutional principles, accord a dangerous opportunity for governmental abuse and impose unnecessary economic costs on both the broadcasters and the Commission. Finally, we believe the record in this proceeding raises significant issues regarding the constitutionality of the fairness doctrine in light of First Amendment concerns.¹⁷

The Commission interestingly decided that it was not free to discontinue the practice of the doctrine. The amount of Congressional interest in the doctrine compelled the Commission to continue enforcing the doctrine. The Commission however was more likely trying to instigate a

¹⁵ 468 U.S. 364, 376 (1984).

¹⁶ *Id.*

¹⁷ 1985 *Fairness Report*, 2 F.C.C. Rcd. 5043 (1985).

judicial ruling to give affirmance to their decision that the doctrine was no longer necessary. An important judicial precursor to the elimination of the doctrine came from *TRAC v. F.C.C.*¹⁸ The court declared that the fairness doctrine was not codified. This determination was important because it meant that the FCC could stop enforcing the doctrine without an act of Congress.

The Commission denounced the fairness doctrine in *Syracuse Peace Council*.¹⁹ It held that the doctrine no longer served the public interest and violated the First Amendment. The doctrine prohibited free speech because it did not allow the public free access to the marketplace of ideas. The FCC stated “the right of viewers and listeners to receive diverse viewpoints is achieved by guaranteeing them the right to receive speech unencumbered by government intervention.”²⁰ The D.C. Circuit Court of Appeals upheld the decision of the FCC. Thus, the fairness doctrine was effectively eliminated.

The original justifications for the fairness doctrine could not withstand assault by the time the deregulation attitude of the Reagan era came to bear. Technological advances in telecommunications changed the scarcity argument. The plethora of cable and satellite television outlets meant that more people had access to the radio and television medium. In the early days of radio and television, the medium was considered special because of its direct intrusion into the homes of listeners. Thus, print media was not considered an acceptable alternative to present alternative views because it did not have the pervasiveness of broadcast media. This view was changed, perhaps as broadcast media became more and more integrated into daily life, and by the Commission’s 1985 report, other forms of media were considered an adequate safeguard to the

¹⁸ 801 F.2d 501 (D.C. Cir. 1986).

¹⁹ 2 F.C.C. Rcd. 5043

²⁰ *Id.* at 5057.

public's right to be informed. The idea that the doctrine was in the public interest then could not be supported. The finding that the doctrine actually prevented freedom of speech meant that it was not serving its constitutional purpose of protecting the first amendment right of the listener to be informed through objective coverage of important public issues.

Ultimately, the fairness doctrine was not the right tool for the job. In the six years after the FCC renounced the doctrine, the number of radio talk shows jumped from 400 to more than 900.²¹ The Commission finally realized the costs which the doctrine was imposing upon the broadcast marketplace. These costs became unjustifiable after the FCC determined that the doctrine chilled speech instead of encouraging it. Many Congressional attempts were made to enact a fairness doctrine statute, but they failed to get past a Presidential veto. The doctrine remains controversial, but the costs it imposed and the alternatives available (i.e. the free market approach) keep it as an ineffective instrument.

²¹ Adrian Cronauer. *The Fairness Doctrine: A Solution in Search of a Problem*. 47 Fed. Comm. L.J. 51, 62 (1994-1995).

Examining the FCC's "Investigation of the Telephone Industry in the United States"

II. Introduction

In 1935, managing over five billion dollars in assets (nearly seven hundred billion dollars in 2006), the American Telephone & Telegraph Company (AT&T) controlled between eighty and eighty-five percent of local telephone service providers and over ninety-eight percent of long distance carriers.¹ Faced with a virtual monopoly of the telephone industry by AT&T, Congress approved a \$750,000 allocation of funds to the Federal Communications Commission (FCC) to conduct extensive research into the history, status and future of the telephone industry.² In a report over six hundred pages in length submitted to the Committee on Interstate and Foreign Commerce on June 14, 1939, the FCC details the rise of AT&T to its monopolistic position, its business strategies and decisions, describes the then existing state of the telephone industry as a whole and concludes with recommendations for federal action.³ This memorandum highlights some of the significant aspects of that study, relevant commentary and the aftermath of the investigation.

II. Purpose

Although the Interstate Commerce Committee was empowered to regulate rates in the telephone industry as early as 1910 with the passage of the Mann-Elkins Act, it refrained from doing so.⁴ When the FCC was established in 1934, it decided to take a

¹Public Res. 8, 74th Congress, 49 Stat. 43, *Investigation of the Telephone Industry in the United States*, 76th Congress, 1st Session, House Doc. No. 340 (1939), (hereinafter referred to as '*Investigation*') at XXIII.

² *Id.* at XVII.

³ See generally *Investigation*.

⁴ William P. Barnett & Glen R. Carroll, *How Institutional Constraints Affected the Organization of Early U.S. Telephony*, 9 J. L. Econ. & Org. 98, 108 (Apr. 1993).

more active role but required adequate information to determine how best to regulate the industry.⁵ While the necessary legislative authorization was already in place, the regulations remained but empty promises and were not exercised⁶. Although it provided a workable framework, the Mann-Elkins Act was originally drafted for railroad regulation.⁷ Therefore, Congress considered certain modifications necessary to tailor and apply the legislation to communication.⁸ Various groups lobbied for the inclusion or exclusion of particular proposals.⁹ AT&T vehemently opposed a proposal granting the FCC control over certain service contracts between a parent company and a subsidiary.¹⁰ In 1934, Congress ultimately agreed to exclude the proposal but required a Congressional study and report on the matter.¹¹

On March 15, 1935 President Roosevelt approved of a joint resolution of the House and Senate “authorizing and directing the Federal Communications Commission to investigate and report on the American Telephone and Telegraph Company and on all other companies engaged directly or indirectly in telephone communication in interstate commerce.”¹² The resolution granted broad discretion to the FCC to investigate the likes of the corporate and financial history of AT&T, service contracts, affiliations, the effect of mergers, consolidations, monopolistic control, propaganda, methods of competition, etc.¹³ The study indicates that its official purpose was to “secure information on the telephone industry, particularly American Telephone & Telegraph Co., in aid of

⁵ *Id.*

⁶ *Id.*

⁷ *A Legislative History of the Communications Act of 1934* 6 (Max D. Paglin ed., Oxford: 1989).

⁸ *Id.*

⁹ *Id.* at 5-6.

¹⁰ *Id.*

¹¹ *Id.* at 6.

¹² *Investigation*, appendix 1.

¹³ *Id.*

legislation by the Congress and for the use of governmental agencies, including State regulatory commissions, for the information of the general public, as an aid in providing more effective rate regulation and for other purposes in the public interest.”¹⁴

Unofficially, the public indicated dissatisfaction with lack of regulation of the industry.¹⁵ The Progressive Era engendered a general anti-monopoly sentiment which carried over into the telephone industry in the 1930s.¹⁶ Although AT&T had made certain concessions when faced with the threat of a DOJ antitrust suit in 1913, its effective monopoly continued. To avoid the suit, AT&T’s then Vice President, M.C. Kingsbury drafted a letter to the Attorney General agreeing not to “acquire or control directly or indirectly” any competing company.¹⁷ Known as the “Kingsbury Commitment,” this agreement temporarily suppressed the public and governments’ anxiety.¹⁸ However, when AT&T learned to circumvent the terms of the agreement and continued expanding through acquisitions, the concerns resurfaced.¹⁹ The high prices and near lack of competition in the booming telephone industry generated a general feeling of uneasiness and government distrust.²⁰ While bigwigs and institutional investors experienced a steady increase in industry profits, average consumers complained of exorbitant charges and inconsistent service.²¹ The disconnect of local regulation resulted in significant variance across geographical sectors in prices, availability and quality of

¹⁴ *Id.*

¹⁵ See generally John Nix & David Gabel, *AT&T’s Strategic Response to Competition: Why Not Preempt Entry?* 53 J. Econ. Hist. 377 (Jun. 1993). Alan Brinkley, *The Antimonopoly Ideal and the Liberal State: The Case of Thurman Arnold*, 80 J. Am. Hist. 557 (Sept. 1993); Joseph Willinshanz, *Debating Mass Communication During the Rise and Fall of Broadcasting*, Berkley Roundtable on the International Economy, Working Paper No. 74 (1994).

¹⁶ See Nix & Gabel, *supra* note 10.

¹⁷ *Supra*, note 7 at 8, *Investigation* at 139.

¹⁸ *Id.*

¹⁹ *Supra*, note 7 at 8, *Investigation* at 140.

²⁰ See *id.*

²¹ See *id.*

telephone service.²² Congress had been warned of the consequences of inaction in a 1934 special congressional committee report stating, “At the present time there is little, if any, Federal regulation of the rates, practices and charges of the several branches of the communications industry.”²³ The report cited Congressional inefficiency as a major reason for the extant monopoly noting, “Telephone business is a monopoly- it is supposed to be regulated. Thus far, regulation, particularly by the Federal Government, has been nominal largely because Congress has not made appropriations sufficient to enable the Interstate Commerce Commission to give effect to existing statutes.”²⁴

Thus, through its investigation and eventual publication of its report, the FCC, empowered by Congress, hoped to quell public uprising and administer a workable system of regulation of the telephone industry, monopolized by a single corporate giant.

II. Conclusions

After three years of study, investigators determined that the root cause of AT&T’s rise to monopoly status was its exclusive possession of basic telephone patents.²⁵ The expense of licensing fees or research and development to compete with the telephone giant was simply too great for most startup companies to bear.²⁶ AT&T took advantage of this situation with various mergers and consolidations with affiliates and other holding companies enabling AT&T to reach its ultimate goal of achieving a nationwide unified telephone system.²⁷ The report essentially concluded that long distance rates were far too

²² *Investigation* at 569.

²³ *Preliminary Report on Communications Companies* (H. Rept. 1273, 73d Cong., 2d sess. 1934).

²⁴ *See id.*

²⁵ *Investigation* at 573.

²⁶ *See id.*

²⁷ The Bell System’s motto had consistently been “One System, One Policy, Universal Service.” *Investigation* at 578

high as a result of AT&T's practical monopoly and that active federal involvement was necessary to ensure competition in the market and moderate prices for consumers.²⁸

III. Results

In a simplified list, the investigation ultimately recommended more active regulation of the telephone industry as a whole.²⁹ The FCC championed amendments to the 1934 Communications Act finding that the requisite statutory framework was already present but practical application required revision in light of the study's conclusions.³⁰ Specifically, the report makes nine recommendations relating to accounting procedures, issuance of securities, licensing, rates and the jurisdiction of the FCC among others.³¹ As a direct result of its deductions, the investigation boasted political changes which ultimately led to over \$30,000,000 in direct savings to the American public.³²

IV. Current Implications

Armed with better information, the federal government was able to implement a regulatory system better suited to oversight of a traditional "public utility" monopolized by private interest.³³ The significance of the investigation extended beyond application to the industry in the 1930s and 40s. It relayed important information about monopolies generally and their formation, effect on pricing, competition and the public conscience. This study and the Communications Act received special attention in the early 1990s during debates about a 1996 addition to the 1934 Act.³⁴ Renowned telecommunications

²⁸ *Investigation* 597-600.

²⁹ *Id.*

³⁰ *Investigation*, *supra*, note 19.

³¹ *Investigation* at 601.

³² *Id.* at 602.

³³ *Id.*

³⁴ *See* Telecommunications Act of 1996, Federal Communications Commission, available at <http://www.fcc.gov/telecom.html>;

scholars regularly cite to key provisions of the investigation.³⁵ While no single provision or exhibit receives special attention, the analysis is frequently cited to support economic, historical and sociological studies alike.³⁶ Although the focus has evolved from regulation to active injection of competition in the telephone and other industries, this investigation will likely still hold significance for researchers, scholars and the government in years to come.

³⁵ See e.g. John Shehan, *Integration and Exclusion in the Telephone Equipment Industry*, 70 J. of Econ. 249 (May 1956); Barnett, *Supra*, note 4; Richard Gabel, *The Early Competitive Era in Telephone Communication, 1893-1920*, 34 L. & Cont. Prob. (Spring 1969).

³⁶ See *id.*

FCC folder

The FCC Dinosaur

By Peter Huber

Source? Date?(pre1990's)

"What began in the 1970s as a stream of moving toward freedom of the wires and airwaves has become a flood. Telecom regulators have lost control of their borders."

Set the Networks Free

The Economist

3/25/89

The on-off switch and diversity of supply are now the best regulators of American TV

The Truth About the Fairness Doctrine

By Tom Shales

Washington Post

4/05/89

"Infact one study says those uninhibited stations now give less time to public affairs than they did before the rule was thrown out"

A Clear Signal to Congress

Wall Street Journal

4/07/89

"The resignation Wednesday of FCC Dennis Patrick is worth more than the usual interests"

U.S. Is Asked for Subsidies of TV Research

Electronic Group's request for 1.35 billion Ignites Industrial-Policy Battle

By Bob Davis

Wall Street Journal

5/10/89

HDTV asks Boost from Uncle Sam

By John Hillkirk

USA Today

5/11/89

"The electronics industry is asking Uncle sam for 1.3 billion to help U.S. firms build a new generation of high tech TVs...."

OTA Report Seen Justifying House Policy Initiatives

Communications Daily

01/31/90

Critical Connections: Communication for the Future

OTA Report Brief

January 1990

With Key policy strategies

Sikes suggests guidelines for long distance rule making

Communications Daily

02/16/90

Are America's Networks Facing Extinction?

The Economist

4/06/91

“After a ten year war with independent programme-production studios, America’s television networks are facing the final battle”

A Win for Hollywood, a defeat for TV Competition

Wall Street Journal

4/10/91

“yesterday the FCC voted to maintain the financing and syndication “fin/sin”-rules that forbid Television networks to buy ownership of the shows they broadcast”

Prime Time Drama

By Dennis Kneale and Mary Lu Carneville

Wall Street Journal

4/10/91

“In TV Re-Run Ruling Hollywood interests prove special indeed”

Technologies Challenges to the First Amendment

Remarks Prepared for the Upper Midwest First Amendment Congress

Walter S. Baer

26 page speech

09/20/91

Cable TV: For a Better Picture Try Competition

By Peter Coy

Business Week

12/23/91

The Television Question

By Meg Greenfield

Washington Post

1991

“Our Lives have been irrevocably transformed un ways that make pre-TV America seem like the dark ages”

The Case for a White House Office of Telecommunications

By Henry Goldberg

02/05/93

and

Why we don’t need to recreate a White House Office of telecommunications Policy

By Harry Shooshan III

Can the FCC Muzzle Rush Limbaugh?

By Charles Oliver

Investors Business Daily

08/16/93

Why Your Cable Bill Is So High

By Thomas W. Hazelett

Washington Journal

09/24/93

“The re-regulation of cable rates was an inept attempt to put a lid on market forces without freeing those potential competitors that are willing and able to move monopolists out of the consumers way”

FCC Seeks Voluntary TV Ban on Liquor Ads

Yahoo-Reuters

11/09/96

Industry gives Thumbs up to New Bill

By Rich Brown

Broadcasting and Cable Magazine

2/5/96

Telecommunications executives poised to enter new markets, increase portfolios

Spectrum Action Still Looms

Broadcasting and Cable Magazine

2/5/96

“Dole gets assurances the FCC will not award digital TV channels without congressional review”

Wireless' Wild Wild North

Suddenly, there's a rush for the spectrum's upper reaches

By Mark Lewyn

Business Week

3/11/96

article about Winstar

**chart of businesses using frequencies

NOTE (Leo I George learned a lot about the ways of Washington as a top outside lawyer for MCI in the early 1970's. MCI drove a wedge into the century old Bell system with a handful of intercity microwave links it got for free from the FCC.)

The FCC Is Besieged as it Rewrites rules in Telecommunications

By Bryan Gruley

3/29/96

“Executives, Lobbyists Cram the agency's schedule and offer lots of advice” “Porridge with Mr. Murdoch”

Telecom AM news bulletin 4/05/96

-States, Industry concerned over FCC Micromanagement

-EON, win join hands on road to National IVDS Network

-Matsushita joins Hughes for Japanese satellite system

The Digital -TV Disaster

By John C. Dvorak

PC Magazine

10/22/96

“The U.S. Government is on the verge of selling the public down the river to Japanese TV manufacturers...because the computer industry does not represent itself well in Washington”

Media Hype

By Lisa Gubernick

Forbes 4/22/96

Commentary on the capitol of major media companies

Telecom AM news bulletin 4/24/96

-spectrum bill may demand b'cast channel auctions

-AT&T inks deal with caps to bypass RBOC networks

-RIM plans to offer Free Middle ware on Web Site

The Land Grant of the Airwaves

By Newton N. Minow and Craig Lamay

Before the 1996 Telecom bill passed

Three suggestions for Dole and company

Review and Outlook *Off the Dole*

“The TV industry seems to want all benefits of the public service designation, with none of the obligations”

“Senator Dole’s speech indicates that the digital giveaway, which everyone Washington had assumed to be a done deal, isn’t set in concrete after all.”

When It Comes to the Web, the ACLU is clueless

By Jake Kirchner

PC Magazine

10/07/97

“The knee jerk anti-censorship crowd is making it harder to limit children’s access to harmful information online”

Judicial Activism May Lower Your Phone Bill

By Robert W. Crandall

1/07/98

Wall Street Journal Interactive

“Judge Joe Kendall declared unconstitutional those provisions of the 1996 telecommunications Act that bar local Bells companies entry into long-distance service until the Bells pass a tortuous set of regulatory hurdles.”

An Attack on Broadcasters Rights

By Nat Hentoff

Washington Post

3/04/98

On the fairness doctrine and Bill Kennard

That Sinking Feeling

The dropping costs of laying transatlantic cable-with a map

Forbes ASAP

11/29/99

The FCC Dinosaur

By Peter Huber

Source? Date? (pre1990's)

“What began in the 1970s as a stream of moving toward freedom of the wires and airwaves has become a flood. Telecom regulators have lost control of their borders.”

Set the Networks Free

The Economist

3/25/89

The on-off switch and diversity of supply are now the best regulators of American TV

The Truth about the Fairness Doctrine

By Tom Shales

Washington Post

4/05/89

“In fact one study says those uninhibited stations now give less time to public affairs than they did before the rule was thrown out”

A Clear Signal to Congress

Wall Street Journal

4/07/89

“The resignation Wednesday of FCC Dennis Patrick is worth more than the usual interests”

U.S. Is Asked for Subsidies of TV Research

Electronic Group's request for 1.35 billion Ignites Industrial-Policy Battle

By Bob Davis

Wall Street Journal

5/10/89

HDTV asks Boost from Uncle Sam

By John Hillkirk

USA Today

5/11/89

“The electronics industry is asking Uncle Sam for 1.3 billion to help U.S. firms build a new generation of high tech TVs....”

OTA Report Seen Justifying House Policy Initiatives

Communications Daily

01/31/90

Critical Connections: Communication for the Future

OTA Report Brief

January 1990

With Key policy strategies

Sikes suggests guidelines for long distance rule making

Communications Daily

02/16/90

Are America's Networks Facing Extinction?

The Economist

4/06/91

“After a ten year war with independent program-production studios, America’s television networks are facing the final battle”

A Win for Hollywood, a defeat for TV Competition

Wall Street Journal

4/10/91

“Yesterday the FCC voted to maintain the financing and syndication “fin/sin”-rules that forbid Television networks to buy ownership of the shows they broadcast”

Prime Time Drama

By Dennis Kneale and Mary Lu Carneville

Wall Street Journal

4/10/91

“In TV Re-Run Ruling Hollywood interests prove special indeed”

Technologies Challenges to the First Amendment

Remarks Prepared for the Upper Midwest First Amendment Congress

Walter S. Baer

26 page speech

09/20/91

Cable TV: For a Better Picture Try Competition

By Peter Coy

Business Week

12/23/91

The Television Question

By Meg Greenfield

Washington Post

1991

“Our Lives have been irrevocably transformed un ways that make pre-TV America seem like the dark ages”

ABC, CBS, NBC: S.O.S

Review of Three Blind mice; “How the Networks have Lost Their Way”

Business Week 09/9/91

The Communications revolution: 2001 and Beyond

Address by Abbott Washburn

At Sky Light Club, Minneapolis. Minnesota

10/21/92

The Case for a White House Office of Telecommunications

By Henry Goldberg

02/05/93

Why we don’t need to recreate a White House Office of Telecommunications Policy

By Harry Shooshan III

Can the FCC Muzzle Rush Limbaugh?

By Charles Oliver

Investors Business Daily

08/16/93

The United States of Entertainment

What's the difference between 'Thelma and Louise' and Nightline?-Not much

BY James Morgan

Washington Post Magazine

7/25/93

How Cable-TV Firms Raised rates in Wake of Law to Curb Them

The 1992 Act was Drawn Up Without Industry Help, and FCC Was Hobbled
But Some Consumers Benefit

Washington Post

9/28/93

GOP Scorches Democrats over rising Cable Charges

By Edmund L. Andrews

New York times

9/29/93

Washington Watch

Rate regulation

Edited by Kim McAvoy

Broadcasting and Cable Magazine

10/04/93

Who's to Blame for Cable Re-Reg. Mess?

Market says it's the FCC, but Republicans point finger at Markey and other architects of 1992 Cable Act

By Kim McAvoy

Broadcasting and Cable Magazine

10/04/93

Tyrants and technocrats

The Ghost of the executed engineer: Technology and the Fall of the Soviet Union

By Fredrick Starr

The New Republic

12/06/93

Why Your Cable Bill Is So High

By Thomas W. Hazelett

Washington Journal

09/24/93

"The re-regulation of cable rates was an inept attempt to put a lid on market forces without freeing those potential competitors that are willing and able to move monopolists out of the consumers way"

#1 Fake Blood: Why nothing gets Done about Media Violence

By Martha Bayles

Attached is a letter asking you to respond in 300 words

10/15/93

#2 Screen violence: It's Killing Us

By David Barry

Harvard Magazine

11/93

#3 Stamping out TV Violence: A Losing Fight

Wall Street Journal

By Elizabeth Jensen and Ellen Graham

10/26/93

#4The Porn is Green

Full Frontal Punditry

By William Saffire

12/25/93

#5 Violence on Screen: Desiring What Disgusts Us

By Mario Cuomo

New York Times

1993

Debate Over Universal Access Rights Will Shape Rules for Governing the Future of Communications

By Daniel Pearl

Wall Street Journal

1/14/94

PBS, Forgetting it First Name

By Jonathan Yardly

The Washington Post

1/17/94

Policy vs. TV

By Jessica Mathews

Washington Post

3/08/94

Letter from Bruce Owen

Yes, the Hazlett article is generally accurate. Unfortunately it minimizes OTP's role because the accomplishments of 1978-80Phil Verveer and Charlie Ferris.

4/17/95

The Twilight of Television

By Lloyd N. Morrisett

President's Essay

15 pages

December 1994

A Threat to Media Diversity

"The telecommunications Bill that the House will vote on this week takes a good idea-deregulation-and carries it to destructive extremes.

New York Times

7/31/95

Republicans Flunk Tech 101

Telecom technology can't be controlled or micromanaged-not by Congress, not by the FCC and not even by the industry's biggest players

By George Gilder and Frank Gregorski

The Wall Street Journal

7/31/95

Commissioners Diverge on Digital

ATV Proposal raises issues of flexibility, public interest

By Chris McConnell

7/31/95

TV Ratings: I for Independence

By Newton Minow and Craig La may

White House: hands Off the Internet

By Will Rodger

Interactive Week

12/02/96

Limiting Cable Porn, Privately

By David Andrew Price

FCC Seeks Voluntary TV Ban on Liquor Ads

Yahoo-Reuters

11/09/96

Industry gives Thumbs up to New Bill

By Rich Brown

Broadcasting and Cable Magazine

2/5/96

Telecommunications executives poised to enter new markets, increase portfolios

Spectrum Action Still Looms

Broadcasting and Cable Magazine

2/5/96

"Dole gets assurances the FCC will not award digital TV channels without congressional review"

Wireless' Wild Wild North

Suddenly, there's a rush for the spectrum's upper reaches

By Mark Lewyn

Business Week

3/11/96

Article about Winstar

**Chart of businesses using frequencies

NOTE (Leo I George learned a lot about the ways of Washington as a top outside lawyer for MCI in the early 1970's. MCI drove a wedge into the century old Bell system with a handful of intricate microwave links it got for free from the FCC.)

The FCC Is Besieged as it Rewrites rules in Telecommunications

By Bryan Gruley

3/29/96

“Executives, Lobbyists Cram the agency’s schedule and offer lots of advice” “Porridge with Mr. Murdoch”

Telecom AM news bulletin 4/05/96

- States, Industry concerned over FCC Micromanagement
- EON, win join hands on road to National IVDS Network
- Matsushita joins Hughes for Japanese satellite system

The Digital -TV Disaster

By John C. Dvorak

PC Magazine

10/22/96

“The U.S. Government is on the verge of selling the public down the river to Japanese TV manufacturers...because the computer industry does not represent itself well in Washington”

Media Hype

By Lisa Gubernick

Forbes 4/22/96

Commentary on the capitol of major media companies

Telecom AM news bulletin 4/24/96

- spectrum bill may demand b’cast channel auctions
- AT&T inks deal with caps to bypass RBOC networks
- RIM plans to offer Free Middle ware on Web Site

Pushmepullyou

Something between TV and Internet is bound to happen

The Economist Review

11/16/96

Behind Media-ownership Fight, an Old Power struggle is Raging

As TV networks get bigger, local affiliates fear a loss of autonomy

By Matt Rose and Joe Flint

The Land Grant of the Airwaves

By Newton N. Minow and Craig Lamay

Before the 1996 Telecom bill passed

Three suggestions for Dole and company

Review and Outlook *Off the Dole*

“The TV industry seems to want all benefits of the public service designation, with none of the obligations”

“Senator Dole’s speech indicates that the digital giveaway, which everyone Washington had assumed to be a done deal, isn’t set in concrete after all.”

1996

FHO receives the Big Bucks from Big Bird and Barney?

The beloved children’s programs, though financed by tax dollars, are leaving taxpayers holding the bag

By John Berlau

Insight

06/02/97

Televisions New boss

As the audience gets smaller, it will also get more powerful

The Economist

08/23/97

The Survival of the Left

Discredited elsewhere, the nostrums of the left live on in public television

By Thomas Sowell

Forbes magazine

09/08/97

Escape from Nerdistan

Artistic types run with the Geeks in the New Centers of Multimedia

By Joel Kotkin'

Washington Post

11/14/97

When It Comes to the Web, the ACLU is clueless

By Jake Kirchner

PC Magazine

10/07/97

"The knee jerk anti-censorship crowd is making it harder to limit children's access to harmful information online"

Judicial Activism May Lower Your Phone Bill

By Robert W. Crandall

1/07/98

Wall Street Journal Interactive

"Judge Joe Kendall declared unconstitutional those provisions of the 1996 telecommunications Act that bar local Bells companies entry into long-distance service until the Bells pass a tortuous set of regulatory hurdles."

An Attack on Broadcasters Rights

By Nat Hentoff

Washington Post

3/04/98

On the fairness doctrine and Bill Kennard

Digital TV Demystified

Answers to the Most common questions

By Jim Barry

Stereo Review

July '98

UK's ONdigital to begin Broadcasting in November

By Bill Mcintosh

9/29/98

New Definitions For Television

"The big battle in television isn't between Letterman and Leno, its behind the scenes war over digital TV.

Euip: Buzz

FCC Responds to Digital TV Critics

By Joel Brinkley
New York Times
9/16/98

Meanwhile Back on the Hill

Washington Post
Robert Samuelson
9/17/98

UK-ITC Favors Terrestrial Over Satellite Digital

By
Newspage.com
9/16/98

Digital TV Demystified

Answers to the Most common questions
By Jim Barry
Stereo Review
July '98

UK's ONdigital to begin Broadcasting in November

By Bill McIntosh
9/29/98

New Definitions For Television

"The big battle in television isn't between Letterman and Leno, its behind the scenes war over digital TV.
Eup: Buzz

FCC Responds to Digital TV Critics

By Joel Brinkley
New York Times
9/16/98

Meanwhile Back on the Hill

Washington Post
Robert Samuelson
9/17/98

UK-ITC Favors Terrestrial Over Satellite Digital

By
Newspage.com
9/16/98

What the U.S. Film Industry can Teach the Europeans

Book by David Puttnam
Washington Times
12/12/98

The Entertainment Glut

9 page article

Companies spend more and more on content but the audience is continually more fragmented

By Elizabeth Stevens and Ronald Grover

Business Week

02/16/98

That Sinking Feeling

The dropping costs of laying transatlantic cable-with a map

Forbes ASAP

11/29/99

The Public Square

On John Summerville's "How the News makes us dumb", whose concepts are expanded in a book:

The Death of Wisdom in an Information Society

By Richard John Neuhaus

The Idea of Moral Progress

By Richard John Newhaus

On reference in the text to Henry Luce's "American century"

And Robert Nisbet's "History of the Idea of Progress"

The Critical Open Entry Decision

Determining Winners in the Satellite race

By Robert N. Wold

VIA Satellite 06/99

7 pages

Beyond the Information Revolution

By Peter Drucker

The author uses history to gauge the significance of e-commerce" a totally unexpected development" and to throw the future of "the knowledge worker", his own coinage

Atlantic Monthly

10/99

It Didn't Begin With Sesame Street

A review of Public radio and television in America: A Political History, by Ralph Engleman

By Jesse Walker

11/08/99

In Ivory Tower that Spins Pure Gold

As the R&D arm of Lucent technology, Bell labs has a big hand in profits

Timeline of Bell's breakthroughs

Business Week

4/19/99

TV's Racial Divide Reflects the Real World

Cable has reversed trend of integration between actors and audiences

By Clarence Page

Washington Times

1/03/99

Schools in Brief-

Culture is local, so why are the news and entertainment increasingly global?

Who Really Invented Television?

Revisionists history says RCA, but in truth it was a Mormon farm boy named Farnsworth. His struggles presaged the battle between Bill Gates and Netscape.

By Evan Schwartz

Technology Review

September/October 2000

Wondrous Contrivances: Technology at the Threshold book by Merritt Lerley

“Breathless Accounts of early adopters

Wired Magazine

February 2000

Earth Stations Faster, Cheaper, Better

By Peter Brown

May 2001

On Media Giantism

By William Safire

New York Times

2001

Masters of the Media

By William F. Baker

Nixon and Networks

Conqueror in the Carnage

Most Telecom start-ups are doomed. Clark McLeod will survive to own their assets

By Quentin Hardy

Forbes

3/05/01

As Businesses Innovate, Regulators must follow Suit

You can almost feel sorry for Microsoft Corp.

By Alan Murray

Wall Street Journal

08/23/01

Messier Days at Vivendi

By Brian M Carney

Another one bites the dust

Wall Street Journal

July 2002

The Digital Dividend

Bridging the digital divide will pay off for business *and* government,

By Staurt Brotman

Technology Review

March 2002

Turmoil of the Week

PBS's “Washington Week in Review” had a bad year

By Georgie Anne Geyer

3/13/02

Paths of Learning

Life and death in the consumer electronics and computer industries

By Walter Friedman
Harvard Magazine
July-August 2002

Too Many Debts; Too Few Calls

The telecom industry is a mess. What went wrong, and how can it be fixed?
Economist
07/20/02

The Myth of '18 to 34'

This audience has transformed our culture. But the premise behind it is bunk.
By Jonathan Dee
New York Times Magazine
10/13/02

Bernie (Ebberts) Bites the Dust

By Andrew Kessler
Wall Street Journal
5/01/02

The Great Triumph: How five Americans made Their Country a World Power

A book by Warren Zimmerman
Reviewed by Peter A. Jay

TV'S bad reception

Competition from other media, skittish networks make for lukewarm fall season.
(Chart of Network s slipping since '99)
By Gary Levin
USA TODAY 3 page packet

Massive Media bogeyman

A heated debate over the relaxation of media ownership rules that artificially restrict media ownership rules is set to culminate in a ruling by the FCC
By Adam Thierer
Washington Times
06/01/03

The Man Who Built Big Blue

A book review of "The Maverick and his Machine" by Kevin Maney
Review by Roger Lowenstein
Wall Street Journal
2003

Sounds Familiar for a Reason

Radio has been the test case for media consolidation
By Marc Fisher
Washington Post
5/18/03

Freeing the Airwaves

Should radio spectrum be treated as property, or as a common resource?
Economist
5/31/03

Michael Powell and the FCC: Giving Away the Marketplace of Ideas

By Tom Shales
Washington Post
06/02/03

How Electricity came to be: Its Innovators and Their Sparks

Book review of Fleet Fire; Thomas Edison and the Pioneers of the Electric Revolution by J.L. Davis
Review By Woody West
Washington Times

The Mogul Left His Mark

Book review of "When Hollywood had a King" by Connie Bruck
On Lew Wasserman, MCA Inc.
Review by John Lippman
6/06/03

The Only News Bigger Than Martha

On the democratic candidates and the FCC decision
By Daniel Henninger
Wall Street Journal
06/06/03

FCC Media Rule Blocked in House in a 400-to-21 Vote

In a rule that would permit the nation's largest television networks to own more stations
BY Stephen Labaton
New York Times
7/24/03

Bush's Four Horsemen

Can you eliminate excessive regulation and have diversity and competition?

By William Saffire
People are beginning to resent the attempt by the Federal Communications Commission to allow the Four horsemen of Viacom, Disney, Murdoch's News Corporation and G.E. –to gobble up every independent station in sight.
New York Times
7/24/03

UNE Order Unlikely Before August as FCC End Game Drags

07/25/03

Unleash the new TV

By Peter Ferrara
Washington Times
11/05/03
Who is director of the International Center for Law and Economics

Mad TV

How to Waste \$100 Billion, hobble the tech industry and make consumers buy things they don't want
By Scott Wiley
Forbes
11/24/03

Ad Infinitum

Coming up after these messages from our sponsors: more messages from our sponsors
By Allison and Peter Kafka
Forbes

09/29/03

The Age of Murdoch

By James Fallows
Atlantic Monthly
Sept. 2003

Powell Muses: Maybe Public Broadcasting Can Help!

By Norris Dickard
9/27/03

Benton Foundation site, published in Current

“Perhaps he’d pondered one of the quid pro quo proposals put forth over the years: deregulate commercial media but extract from them a significant dividend for the improvement and support of public broadcasting

At 97, Irving Kahn is Long on Intelligent ways to Invest

By Ianthe Jeanne Dugan

Telling it Straight

Review by Alan Heil
Economist
7/26/03

Voice of America: A History

The Nation in Numbers

Each economic era has a resource that drives wealth creation.....today it may be the airwaves
Atlantic Monthly
Sept 2003

Apartheid Spy probe Splits South Africa

Washington Times
10/23/03

Pop Program seen giving Teens bad View of US

By Zachary Goldfarb
Washington Times
7/28/03

The Ascent of the Software Civilization

Book by Martin Campbell-Kelley
Review by Steve Lohr

Presidential Memo on Spectrum Policy

Email from Henry Goldberg
6/05/03

Co-opting the Future

By John C. Dvorak
Blogs, or Web logs are the rage I some quarters.
PC Magazine
12/09/03

How The Radio Changed its Spots

Smart radio: Radios capable of switching from one wireless standard to another, with nothing more than a dose of new software, are at last emerging at the laboratory.
The Economist Technology Quarterly

12/06/003

AT&T to Launch Internet-Based Telephone Service

BY Shawn Young

Wall Street Journal

12/11/03