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Second Chance

Newton N. Minow*

“Vast wasteland.”

Those were the words I used to describe television in 1961, shortly after President Kennedy appointed me Chairman of the Federal Communications Commission (FCC or Commission). The description was given to a meeting of the nation’s broadcasters—the people who in those days ran the television business—and they did not like my comment. Almost overnight, “vast wasteland” entered the public lexicon, and it is still being used to describe television. I see those two words, or permutations of them, in newspaper headlines, in book titles, in magazine articles, in *Bartlett’s Familiar Quotations*.¹ My wife and my three daughters threaten to inscribe “on to a vaster wasteland” on my tombstone.

But I realize now that many people misunderstood what I tried to say in 1961. The realization came a few years ago when our daughter Mary showed me a multiple-choice question that used the vast wasteland speech in the Law School Aptitude Test (LSAT) reading comprehension section for prospective law students—and I got the answer wrong!

Looking back, I wish people were much more interested in two other words in that speech: public interest. The law governing broadcasting, the Communications Act of 1934, gives broadcasters free and exclusive use of broadcast channels on the theory that they will serve the public interest. What I meant by “vast wasteland” is that we do not serve the public interest if we continue to waste television’s precious potential to educate,

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1. JOHN BARTLETT, *BARTLETT’S FAMILIAR QUOTATIONS 757* (Justin Kaplan ed., 16th ed. 1992).

inform, and entertain our children. Even skeptics who believe the public interest is beyond definition know that it lies in the hearts and minds of children. If as a nation we cannot figure out what the public interest means with respect to those who are too young to vote, who are barely literate, who are financially and emotionally and even physically dependent on adults, then we will never figure out what it means anywhere else. Our children *are* the public interest, living and breathing.

And yet, remarkably, when Congress wrote the Communications Act sixty years ago, it gave "equal time" only to politicians. Congress did not see fit to mention children at all, nor did it extend the protection of the law to children until 1990, when it passed the Children's Television Act.²

Increasingly, however, both of these laws seem antiquated. The Communications Act, certainly, was written before we ever heard of television, satellites, cable, computers, fax machines, cellular phones, cyberspace, or the information superhighway. In the midst of the current technological revolution, Congress now has a second chance to define what we mean by the public interest as we build new communications capacity undreamed of in human history. Second chances are rare, and remind me of Samuel Johnson's assessment of a second marriage: a triumph of hope over experience.

If we are to succeed where our ancestors failed, we must ensure that our children have the full benefits of the information age. And yet, so far, the public debate about the information superhighway has been remarkably like the one that surrounded the Communications Act, and before that, the 1927 Radio Act.³ The bills that have been introduced in Congress talk about "access," about antitrust exemptions and "universal service," and about the virtues of competition. These are all important questions, just as they were in the 1920s and 1930s. But if there is any lesson we should take from the past, it is that these things alone do not comprise the public interest. James Madison, the founder who wrote the First Amendment, wrote in *Federalist Number 10* that competition between private interests was not enough to serve the public interest, but in fact was adverse to it.⁴ The public interest was something else, Madison wrote, and it depended on the ability of an informed people to deliberate on the fundamentally moral questions that confront a democracy.⁵ Madison and the founders gave us

2. Children's Television Act of 1990, Pub. L. No. 101-437, 104 Stat. 996 (codified at 47 U.S.C. §§ 303(a)-303(b), 393(a), 394 (1988 & Supp. IV 1992)).

3. Radio Act of 1927, ch. 169, 44 Stat. 1162, *repealed by* Communications Act of 1934, ch. 652, § 602(a), 48 Stat. 1064.

4. THE FEDERALIST NO. 10 (James Madison).

5. *Id.*

the First Amendment not to turn away from those questions, but so we could talk, as a free people, about how best to secure the blessings of freedom for future generations.

It is time, then, we used the First Amendment to protect and nurture our children rather than as an excuse to ignore them. This, above all, is the principle Congress should keep in mind as it rewrites the Communications Act for the twenty-first century. Where children are concerned, it will not be enough, nor has it ever been enough, to rely exclusively on the marketplace. Today we read and hear of the great promises of the information superhighway—glowing scenarios of wired classrooms, of an education revolution, of a world in which any child can, electronically, wander the Smithsonian, visit a fourteenth-century Incan temple, or roam the floor of the Pacific Ocean—and forget that these are the same hopes Americans once had for television. In the late 1930s, RCA President David Sarnoff predicted that television would usher in a “new age of electrical entertainment, which will bring the artist to the public, the lecturer to his audience, and the educator to his student body.”⁶ In 1949, an industry trade journal offered its prediction that, “With the combination of motion picture film and the television camera, coupled with the television receiver in the American home, John Q. America is about to receive the greatest treasury of enlightenment and education that has ever before been given to a free man.”⁷

Indeed, television has many fine moments, many great accomplishments. It has also had many great failures, and none greater than its neglect of children. Now, unless Congress acts to make explicit provisions for what the public interest means with respect to children on the information superhighway, we will repeat our worst mistakes. In 2054, some future FCC Chairman will look back at us from the vantage point of a much vaster wasteland and wonder why, when we had a second chance, we failed to seize it.

Few people are as lucky as I am to have been given a ringside seat at the center of the communications revolution. Over four decades, I've served our government, public television, commercial broadcasting, advertising, telephone, publishing and cable companies; helped organize presidential debates; taught students who now are leaders in communications and law; and directed think tanks and foundations that deal with communications policy.

6. EUGENE LYONS, DAVID SARNOFF: A BIOGRAPHY 279 (1966).

7. *Television's Impact*, RADIO & TELEVISION NEWS, July 1949.

It all started one autumn afternoon in 1956 in Springfield, Illinois, where Robert Kennedy and I were traveling together as members of Adlai Stevenson's 1956 Presidential campaign staff. Bob and I had a lot in common, especially because my wife Jo and I have three children the same ages as three of Bob and Ethel's children. When the Stevenson campaign reached Springfield, Bob asked if I could take him to visit Abraham Lincoln's home. On the way, Bob said something that I never forgot. He said that when he grew up, the three great influences on children were home, school, and church. In observing his own children, he believed that there was now a fourth major influence: television.

Five years later, on my first day at the FCC, and at my first Commission meeting, we voted on the policy the Commission would recommend to Congress for educational television. Six Commissioners voted to advise Congress that educational television was not the Commission's business, and that the FCC had no recommendation for Congress. I dissented and testified in favor of the legislation, which was passed in 1962. The second important event that first day was a visit from one of the senior commissioners, Tam Craven, a crusty ex-Navy veteran engineer who had been appointed by President Eisenhower. Commissioner Craven asked, "Young man, do you know what a communications satellite is?" I said no. He groaned, "I was afraid of that." I said that I'd like to learn.

Craven then told me of his unsuccessful efforts to get the FCC to approve a test launch of Telstar, an experimental communications satellite developed by AT&T with the encouragement of NASA. He convinced me that Telstar was the one part of the space race with the Soviet Union where we were far ahead, but that our own government was standing in the way. We quickly approved the Telstar experiment, and to this day I treasure a picture of Craven with me in Bangor, Maine, where Telstar was successfully launched on July 10, 1962.

So much of what has happened in the past thirty years was set on course that first day on the job. Under the auspices of the Corporation for Public Broadcasting and the Public Broadcasting Service, educational television became a national service called public television that reached virtually all of America's 94 million homes. The deployment of communications satellites led to the development of CNN, C-SPAN, HBO, and countless other cable networks, cheaper long-distance telephone rates, and the explosion of global communications. Through communications satellites, we learned that modern technology respects no political boundaries—the Berlin Wall, Tiananmen Square, or dictators in Iraq.

The things we did a generation ago have helped create another communications revolution, this one fueled by the technologies not only of

satellites, but of digitization and fiber-optic cable. That revolution is going on around the world. In most countries this revolution is proving particularly vexing for the public, not-for-profit telecommunications systems, such as the BBC in Great Britain or the CBC in Canada, that were established in the early days of broadcasting. All of these systems are having to meet the challenge of new competition, and many are giving serious thought to what their role should be as public servants in a multichannel marketplace.

Those who direct many of these systems recognize that some of the traditional pillars of public service broadcasting will have to adapt to a new communications environment in which viewers will not only have many more choices, but may someday be producing and distributing programs themselves. There are few points of firm agreement on how this new communications environment should be structured, or who it should serve, but one of them is this: left to the marketplace, children will receive either very bad service or none at all. Policymakers in every country know that this is true from the example of American broadcast television, and all are working to make special provisions for children in their national communications policies.

Now, after sixty years of missed opportunities, Congress should seize this opportunity to do the same. Our choice is not between free speech and the marketplace on one hand and governmental censorship and bureaucracy on the other. The choice is how to serve the needs of children and how to use the opportunities presented by the superhighway to enrich the lives of every child. Let us do for our children today what we should have done long ago.

The challenge that faces us reminds me of a story President Kennedy told a week before he was killed. The story was about French Marshall Lyautey, who walked one morning through his garden with his gardener. He stopped at a certain point and asked the gardener to plant a tree there the next morning. The gardener said, "But the tree will not bloom for one hundred years." The marshall looked at the gardener and replied, "In that case, you had better plant it this afternoon."

