

Minow and the “Wasteland”: Time, Manner, and Place

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A chance to reflect on Newton Minow’s speech brings three things to mind: the speech itself; the manner of speech-giving by Federal Communications Commission (“FCC”) chairs and commissioners; and a place later headed by the gentleman who gave the oration, and whose contribution to Washington, D.C. communications policymaking in that later role far exceeded his 1961 address.

As to the speech,¹ its fame derives from a famous question and answer. Compare it to a nearly contemporaneous event in TV annals: Charles van Doren answering a prize-winning question on the NBC quiz show *21*. Young Mr. van Doren gave correct, but rigged, answers to the questions asked. He knew his presentation was counterfeit—motivated by greed, a desire for fame, self-destruction, and who knows what else. Minow, already a minor celebrity in Washington, D.C. for being named FCC Chairman by President John Kennedy at a young age, gave a truthful but erroneous answer to a self-directed question, reflecting his beliefs about how to improve the quality of American programming. Thus, we have one man who became infamous for giving the right answer on TV. The other became famous for giving the wrong one about TV.

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1. Newton N. Minow, *Television and the Public Interest*, Speech Before the National Association of Broadcasters (May 9, 1961):

I invite you to sit down in front of your television set when your station goes on the air and stay there without a book, magazine, newspaper, profit-and-loss sheet or rating book to distract you—and keep your eyes glued to that set until the station signs off. I can assure you that you will observe a vast wasteland.

Id.

Was there such a “vast wasteland”? Wasteland is defined as a place, era, or aspect of life regarded as humanistically, spiritually, or culturally barren.² What did the 1960-61 television season include, on which Minow based his glue-yourself-to-the-tube challenge?

Programming included “Macbeth” on the *Hallmark Hall of Fame*, starring Maurice Evans and Judith Anderson; *Astaire Time*, one of several Fred Astaire specials aired in the early 1960s; and 39-week series such as *The Jack Benny Show*; *Twilight Zone*; *Naked City*; *The Defenders*; *The Ernie Kovacs Show*; *Car 54, Where Are You?*; and *The Dick Van Dyke Show*. The TV season did not have as much highbrow material as Minow would have liked, but it was hardly a “wasteland.”³

Of course, there were other crummy shows on TV then, long forgotten except by TV historians; daytime TV was filled with soap operas and game shows. Local news programs relied more on announcers than journalists, and there was only film to report a story outside of the studio. Sports telecasts lacked the electronic wizardry that we now come to expect with every pitch of the baseball or hoopshot.

But, in terms of making a contribution to the television arts and sciences, the “wasteland” was a productive place. It was easier for programmers to succeed then. With three networks dominating the television audience, it was hard not to generate a respectable share; audience ratings for the third-place network (usually ABC) would be great victories today. Though the period is remembered for promoting the “Ozzie and Harriet” nuclear family, other, more subversive, arrangements were depicted. Consider a show like *Car 54*, one of the great screwball TV shows of all time. It featured Francis Muldoon (Fred Gwynne, who later portrayed Herman Munster), a grown son living with his mother; and Gunther Toody (Joe E. Ross), a high-energy, squat patrolman living with a neurotic wife, Lucille (Beatrice Pons), who took to screaming out the window when her husband upset her.

The early 1960s were not exactly the high point of the fine arts that Minow thought absent from TV. The boom in art museum attendance would be twenty years away (despite the effects of more and more TV). Classical music, then as now, was mostly being written, if at all, by European composers.

2. WEBSTER'S II NEW RIVERSIDE UNIVERSITY DICTIONARY 1303 (1988).

3. Just who authored the phrase “vast wasteland” is part of FCC lore. In earlier research to determine its creator, I learned that the principals in Minow's office were bound by a vow of silence on the question. What was uncovered was that his assistants, Henry Geller and Joel Rosenbloom, urged him to delete the phrase as being too much of a value judgment. After conferring with his wife, Minow kept it in and made history. Daniel L. Brenner, *Book Review*, 35 FED. COMM. L.J. 95, 103-104 n.22 (1983).

It is also not clear that advertiser-supported television would have backed lightly viewed, highbrow programming. Even when noncommercial public television came along, it soon found it needed to appeal to more than culture vultures. PBS, which did not rely on advertiser support (for the most part), never launched *Opera of the Week* or produced all of Shakespeare's plays—presumably the sort of highbrow presentations Minow had in mind.

But if its main facts were wrong, the speech was notable because it became the gold standard against which all FCC chairs could measure the success of their public pronouncements. No chairman before or since bounded into the public's mind based on a single speech. While there were notable (and notorious) chairs and commissioners before and since, none became a celebrity based on public oration.

It would be a great exaggeration to say that FCC Commissioners routinely become public figures anyway. During the heyday of content regulation, commissioners could reach the general public occasionally. Lee Loevinger, whom Kennedy named to replace Minow (but not as chairman) made the cover of *TV Guide* with this quote: "I've seen *pig pens* better run than the [FCC] Broadcast Bureau!"⁴ Nicholas Johnson, President Lyndon Johnson's appointee, became known for his citizen activism and his book, *How To Talk Back to Your TV Set*, which landed him on *The Dick Cavett Show*, ABC's late-night alternative to *The Tonight Show*. Dean Burch made his considerable mark as a Republican political leader before and after becoming FCC chairman under Richard Nixon. Jim Quello had on-the-air run-ins with radio shock jock Howard Stern (disputes publicized by Stern, not Quello, by the way).

Mark Fowler, President Reagan's first FCC Chairman, was nearly unknown, even to the communications bar in which he practiced, before his appointment. His outspoken embrace of the marketplace and the First Amendment in public speeches and writings, as well as his longevity as Chairman, made him a pretty well-known FCC Chairman by the end of his tenure. His most famous phrase, referring to a television as "a toaster with pictures," did not actually occur in a speech but in a magazine interview.⁵

4. Edith Efron, *He Has Seen Pig Pens Better Run*, TV GUIDE, July 3, 1965, at 15, 16 (emphasis and parenthetical in original). Loevinger, who had been an Assistant U.S. Attorney General, described Minow's view as "legally and morally wrong" because it suggested that it was the FCC's duty "to elevate the level and quality of broadcasting." *Id.* at 18. He also described the "Vast Wasteland" speech as ill-considered, illogical, silly, nonsense, and contradictory. *Id.* FCC Chairman William Henry, Minow's successor, dismissed Loevinger's thinking, in part, as "a mishmash of erudite irrelevancies." *Id.* at 19.

5. REASON, Nov 1, 1981 available at <http://www.conservativeforum.org/authquot.asp?ID=775>. Chairman Reed Hundt, who gave many speeches during the heyday

That remark (perhaps suggested by FCC Review Board member and Fowler friend Norman Blumenthal) has been quoted widely, even today. But it did not capture the care and balance that Chairman Fowler exercised in speeches⁶ when addressing a host of content issues. It did not summarize his attitude toward the effects of television. Nor did it reflect his desire that television broadcasting be elevated to the “print model” reserved for newspapers because of the importance of the medium as a source of valued news, information, and entertainment. Note to FCC Commissioners and their speech-writing legal advisors: Be careful what you wish for in the catchy phrase!

Final point: Minow may be known nationally for the “Vast Wasteland” speech, but to a generation of Washington, D.C. policymakers, he is fondly remembered for heading the Annenberg Washington Program in Communications Policy Studies of Northwestern University from the mid-1980s to the mid-1990s (when the Washington branch closed and the Annenberg Foundation moved its focus to the Annenberg Public Policy Center at University of Pennsylvania).

Thanks to Ambassador Walter Annenberg’s money and Newton Minow’s leadership, the Washington center was a beehive of policy papers and symposia, a campus for communications professors to get an intensive update on communications developments, and a place for a range of scholarly and media reform activity to occur.

Knowing what Mr. Minow wanted to OK for funding could be a challenge (his interests veered toward communications and medicine near the end of his directorship), but his curiosity about communications was broad. Half a decade before it became an issue, Minow worried about digital alteration of photos and tried to get someone to study it. The center supported the earliest efforts to reform Soviet-era media in places like Czechoslovakia and Albania (where he sent me in 1992). It housed the efforts of a host of productive scholars such as historian Michael Beshcloss, and technologist Dale Hatfield.

Most importantly, it was a dispassionate forum where views could be expressed in an academic but not theoretical setting before many of the

of the telecommunications investment era of the 1990s, may be remembered best for a remark to the Brookings Institution: In response to a hypothetical ATT-Regional Bell operating company merger, he declared the idea “unthinkable,” presumably in the hope of nipping the idea in the bud. News Release, FCC, FCC Chairman Reed Hundt Calls Combination of AT&T and An RBOC “Unthinkable” (June 19, 1997), *available at* <http://www.fcc.gov>. It did, but a few years later, the idea became quite thinkable as AT&T’s hold on the long-distance marketplace continued to weaken.

6. For a partisan view of Fowler’s speeches, see Daniel Brenner, *Policy-Making at the Fowler FCC: How Speeches Figured In*, 10 HASTINGS COMM. & ENT. L.J. 539 (1988).

people who mattered in the Washington communications debate. Unlike some of today's public communications fora, it needed no funding from stakeholders.

With today's communications debates more complicated and better funded by its participants, neutral policy territory is hard to find in Washington's four quadrants. Instead, policymakers must look to the filings of interested parties, the occasional symposia by more-or-less ideological thinktanks, and the spin quotations planted in *Communications Daily*.

Given the dearth of neutral meeting space, you might even describe the arena of Washington public policy as something of a . . . vast wasteland. No, that phrase will always belong to another time and place.

