

Response to the Siegel Book Review

J. H. Snider*

It's puzzling to me why the *Federal Communications Law Journal* would select the subject of an expose to evaluate the expose. That selection principle would seem to violate basic journalistic and academic norms for selecting book reviewers.

The book reviewer is upfront in acknowledging that his title is Assistant General Counsel for CBS, that he represents CBS television stations, and that he has worked for CBS for 18 years. But the average reader may not understand the extent of the conflict of interest this represents and that the job of a corporate counsel, even when purportedly representing his "personal" views, is to selectively marshal evidence on behalf of his client. The reviewer does not acknowledge, for example, that CBS had billions of dollars at stake in its attempt to secure the various "broadcast industry giveaways" described in the book; that CBS' Washington office and local stations engaged in a massive "life or death" lobbying campaign in pursuit of these giveaways, especially "the great spectrum giveaway" featured in the book; and that in the period covered in the book, CBS filed 194 FCC comments, many presenting arguments critiqued in the book. Generally, a broadcast company's general counsel is intimately involved in vetting, if not writing, such obviously self-serving filings. Consider also the reviewer's interpretation of Nick Evans' letter. Nowhere does he acknowledge that Nick Evans' company was a major owner of CBS affiliates.

But even if all the relevant conflicts of interests were acknowledged, this still doesn't change the fact that the reviewer had a direct and material conflict of interest and thus was an inappropriate choice to review the book in the first place. No reasonable person could believe that a person with this background could take a position that would conflict with his employer, his own past work, his colleagues, and his future livelihood. Thus, the nature of this reviewer's opinion was foreordained even before he was assigned the book. To assert otherwise would be like saying no red flags should be raised if a political news reporter publicly contributed money to and campaigned for a political candidate that he covered as part of his beat. The reporter might claim that this was a personal activity completely independent from his work. But no reputable news organization would accept such an explanation.

I thank the *Federal Communications Law Journal* for recognizing that if it runs such a review, its own credibility depends on allowing the author to reply.

* Ph.D., Northwestern University; MBA, Harvard Business School; B.A., Harvard College. Dr. Snider is the Research Director of the Wireless Future Program at the New America Foundation.