

The Fortieth Anniversary of the Federal Communications Commission

On June 19, 1934, President Franklin D. Roosevelt signed the Communications Act, creating a new agency to regulate all interstate and foreign telegraph, telephone and broadcast communications. Three weeks later, on July 11, 1934, the members of the Federal Communications Commission held their first meeting. This year the Commission and the Federal Communications Bar Association honor the FCC's fortieth anniversary. In commemoration of the event, the Federal Communications Bar Journal publishes a special section in this issue.

On July 10, 1974, the Commission held a special meeting at which the agency's fortieth anniversary was formally acknowledged. The event also included the swearing-in ceremony of three Commissioners: Robert E. Lee, who commenced service for a fourth seven-year term, Professor Glen O. Robinson of the University of Minnesota Law School, and Abbott M. Washburn, consultant to the Office of Telecommunications Policy. Supreme Court Justice Harry Blackmun conducted the swearing-in.

FCC Chairman Richard E. Wiley took the opportunity presented by the occasion to make observations on the Commission's accomplishments over the past forty years. His remarks are included herein. Following Chairman Wiley's address are comments from former Commissioners in honor of the FCC's fortieth year of service in the public interest.

Chairman Richard E. Wiley

Welcome to the FCC's version of "Life Begins at 40". For, indeed, it was on July 11, 1934—40 years ago tomorrow—that Eugene O. Sykes gavelled into being the first meeting of the Commission. And while probably only Sol Taishoff and Commissioner Robert E. Lee remember that initial session, we can

strates that the agency has served the country well. Despite valid criticism of its activities—including some in the dissents I used to write—I think the Commission has discharged its duties under the Communications Act rather well, that it has contributed substantially to the evolution of a communications system that is the best in the world, and that it deserves our best wishes for the next forty years.

Commissioner Nicholas Johnson

Nicholas Johnson, Democrat from Iowa, served as Commissioner from July 1, 1966, to December 5, 1973. He presently resides in Kesley, Iowa.

This is neither the time nor the place for lengthy reminiscence or academic analysis of the seven and one-half years I spent with you and my colleagues on the Federal Communications Commission. It would take a book to do it justice, and, if all goes well, there will be one.

Those of us who are interested in the law of communications are fortunate, it seems to me, to be laboring in a vineyard that has as much impact upon the shape of our nation as any in which lawyers could be involved. That is true for those of us who represent private clients as well as those who—like myself—exercise the questionable and heady luxury of professing to speak for the “public interest.”

No technological area develops with such unpredictable direction and speed. No corporate enterprise calls for a higher commitment to the public weal as well as profits. No academic calling requires the appropriate applicability of so many diverse disciplines.

There has been criticism of the FCC from my pen in the past, and there will undoubtedly be more in the future. Peace Corps Director Shriver used to keep on his wall a sign which read, “Bring me only bad news. Good news weakens me.” Criticism is a sign of concern, even affection, and a desire to improve.

At the same time, the FCC has had its good days, its accomplishments, and its strengths, and they should not be ignored, either.

The colloquium form of government has its disadvantages. It is highly unlikely ever to be effectively administered, for one. But it also has its strengths. Where, not only in the Soviet Union but in this country, is dissent not only permitted but required by law, not only whispered but shouted to the rooftops, from within the upper management levels of any institution? Not the military; not the executive branch agencies; not large corporations. It's a great strength, and a decidedly American institution, one we ought to recognize and respect and preserve.

There has been a great tradition of dissent at the FCC. I was proud to be a small part of it for a short while. I trust it will continue over the years to come. The rough and tumble is healthy for everyone involved. And, ironically, as I look back upon it—and even at the time—some of those Commissioners with whom I differed most vocally are those for whom I have the richest memories and greatest affection.