AG and DAG

The School takes great pride in the appointment of Nicholas deBelleville Katzenbach, Professor of Law on leave, as Attorney General of the United States, and Ramsey Clark, JD'51, as Deputy Attorney General. Early in April, the Washington, D.C. Law Alumni Organization held a reception in their honor. The success of this occasion, arranged by George Kaufmann, JD'54, is amply attested by the photographs accompanying this report.

... and at the reception...

Abe Krash, JD'49, center, with Henry G. Manne, JD'52, Professor of Law at George Washington University.

Mrs. Thomas G. Smith, the Honorable Carl McGowan, Judge of the U.S. Court of Appeals for the District of Columbia and member of the Law School Visiting Committee, and Mrs. Nicholas Katzenbach.


The Honorable Tom C. Clark, Justice of the U.S. Supreme Court and member of the Law School Visiting Committee, with, clockwise, George E. McMurray, JD'34, Newell A. Clapp, JD'34, and William P. McCracken, Jr., JD'11.

By Ronald H. Coase
Professor of Economics in the Law School

The paper which follows first appeared in Land Economics, Volume XLII, Number 2, 1965 and is reprinted here with the permission of the publisher and of the author. Professor Coase wishes it noted that the first published suggestion that radio frequencies be awarded to the highest bidders appeared in an unsigned student comment entitled "Public Interest and the Market in Color Television Regulation," 18 University of Chicago Law Review 802 (1951). The author of the comment was Mr. Leo Herzel, now a practicing lawyer in Chicago.

In the United States, an evaluation of public policy relating to radio and television broadcasting turns itself into an evaluation of the work of the Federal Communications Commission, the body which (together with its predecessor, the Federal Radio Commission), has regulated the broadcasting industry for over 37 years. The performance of the Federal Communications Commission (herein referred to as FCC) has not been such as to lead most students of its operations to express admiration for the way it handles its problems.

James M. Landis, in his Report on the Regulatory Agencies which he prepared for President-elect Kennedy and which was issued in December, 1960, had this to say:

The Federal Communications Commission presents a somewhat extraordinary spectacle. Despite considerable technical excellence on the part of its staff, the Commission has drifted, vacillated and stalled in almost every major area. It seems incapable of policy planning, of disposing within a reasonable period of time the business before it, of fashioning procedures that are effective to deal with its problems. The available evidence indicates that it, more than any other agency, has been susceptible to ex parte presentations, and that it has been subservient, far too subservient, to the committees on communications of the Congress and their members. A strong suspicion also exists that far too great an influence is exercised over the Commission by the networks.

If we turn from the work of the FCC to the product of the broadcasting industry—the programs which are broadcast, and these must play a central role in any appraisal of the performance of the industry—we find a chorus of adverse criticism, in which members of the FCC have joined. They proclaim the failure of the existing system. It was Chairman Newton Minow who referred to television programs as a "vast wasteland."

Such views as those expressed by Dean Landis and Chairman Minow no doubt contain much truth. But they seem to have been unaware of the reason for this poor performance. Dean Landis hoped that the inefficiencies of the FCC would be cured by the appointment of men who would give strong and competent leadership. Mr. Minow seems to have looked for better programs as a...