

## **Wanted: Public Interest Mavericks at the FCC**

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*This article is an edited interview with Nicholas Johnson, former Commissioner with the Federal Communications Commission (FCC), 1966–1973. We asked him to reflect on his time at the FCC in relation to contemporary technological and political developments.*

Over the next few years, the Federal Communications Commission (FCC) will go down one of two paths. Its importance may fade to insignificance. Or the FCC may recast its mission and affirm the areas in which it retains unique expertise to address vital questions for the communications future.

—Kevin Werbach (2014)

In 1966, dark grumblings were bubbling up about the “maverick” ways of federal Maritime Administrator Nicholas Johnson, even reaching the ears of then President Lyndon B. Johnson (LBJ). The younger Johnson, an Iowa lawyer at the Washington, D.C. law firm of Covington & Burling,<sup>1</sup> had quickly become a “confirmed apple-cart upsetter” (Horne, 1965) and in a very short time had managed to irritate just about everyone he worked with—ship builders, union officials, and his own colleagues in one of the most notoriously “derelict” corners of the federal bureaucracy (“Celler Arraigns Maritime Board,” 1961)—even as his housecleaning resulted in a remarkable increase in the Merchant Marine’s efficiency and productivity. Nicholas Johnson later recalled one cabinet officer telling him, “You have a pack of wild dogs

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<sup>1</sup> The two Johnsons were not related and had never met; given the younger Johnson’s age (29), lack of political connections, and unfamiliarity with the shipping industry, his selection as maritime administrator was as unusual as it was unexpected. However, Nicholas Johnson had attended the University of Texas and clerked for U.S. Supreme Court Justice Hugo L. Black, both of which might have favorably impressed LBJ, and Covington & Burling was a go-to source for filling out the federal bureaucracy. The Iowan’s outsider status may also have been part of his appeal to a president seeking to clean up the shipping industry.

following you, barking and nipping at you. One day you'll leave this office, and they'll turn to each other and say in victorious chorus, 'See, we got him'" (personal communication, July 18, 2014).

Neither the president nor the maritime administrator ever revealed whether the latter's controversial shipping proposals and decisions were made at the president's behest. In any case, LBJ continued to support Nicholas Johnson throughout one of the longest terms of a maritime administrator in history—despite frequent industry calls to fire him.

Ultimately, however, they did "get him": LBJ removed the young administrator from his maritime post and appointed him to the Federal Communications Commission (FCC) for a seven-year term (1966–1973) as one of seven commissioners ("Trying to Swat the FCC's gadfly", 1969). Nicholas Johnson's confirmation hearings, during which he remained tight-lipped and noncommittal, proceeded smoothly and without incident (Grubb, 1996). What happened over the next few years, however, makes the period one of the most interesting chapters in the history of the FCC:

For seven years Johnson rained down on the broadcasters a plague of dissents. He became famous, much admired, the most celebrated advocate of citizen action in the federal government, but among broadcasters he was roundly despised, and *Broadcasting*, the industry trade magazine, predicted that when his term ended there would be "dancing in the streets." (Leamer, 1973, p. 22)

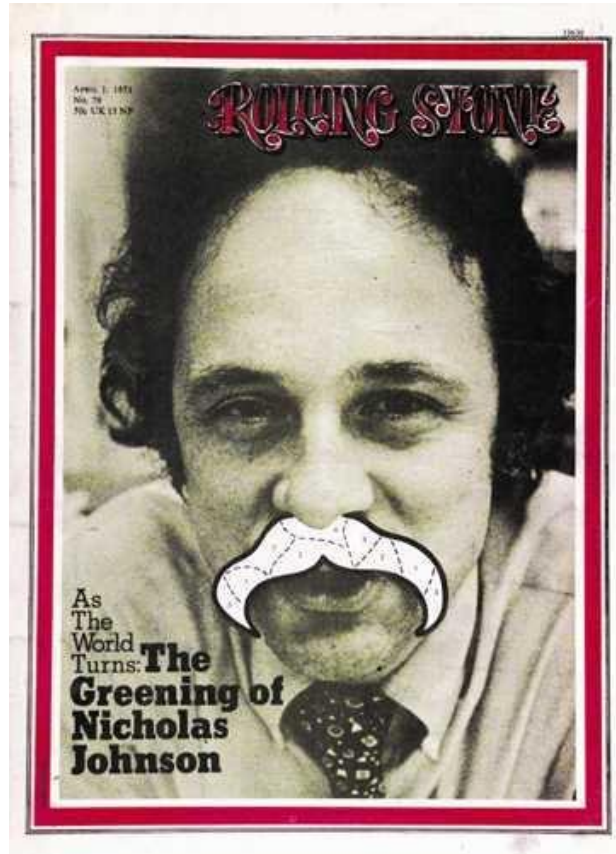
Johnson's influence at the time was enormous, both on public debate and on policy. His speeches, articles, books, and frequent (as well as frequently lengthy) dissents earned him notoriety and, remarkably, a *Rolling Stone* cover (Figure 1).

More important, his energetic efforts to involve the public in FCC decisions and to battle powerful media corporations under the "public interest" banner led to regulatory changes that significantly shaped the following two decades of telecommunications. His legacy includes the prime-time access rules, limits on tobacco advertising, and provisions for public-access channels on cable systems.

He also fought many rhetorical battles that did not necessarily result in substantive and lasting policy changes but nonetheless helped frame the political struggles over the media. Less a radical than an old-school progressive, Johnson critiqued the FCC's failure to force the three major networks to respect and respond to what he claimed was the public's desire for "quality" programming, the broadcasters' self-censorship to protect their commercial interests, meaningless license-renewal procedures, and media ownership concentration. He condemned television's role in perpetuating racial inequality ("Broadcasts Widen Negro-White gap, Says FCC official", 1967) and, in books like *How to Talk Back to Your Television Set* (1970), engaged political questions about the place of mass media in a modern democracy.<sup>2</sup>

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<sup>2</sup> See also Johnson (1972). Both *How to Talk Back to Your Television Set* and *Test Pattern for Living* were reissued in 2013 by Lulu Press. For more on Johnson's writings on media reform, see Johnson (2007), *Your Second Priority: A Former FCC Commissioner Speaks Out*, which contains a selection of his writing on media-related issues since leaving the Commission (the title derives from Johnson's famous saying,



**Figure 1. Johnson on the cover of Rolling Stone magazine, April 1, 1971.**  
(Photo by Annie Leibovitz)

One of Johnson's contributions, less well known than many broadcasting debates at the time yet equally significant historically, was to the future of telecommunications policy in the United States. Among the many proceedings Johnson participated in while FCC commissioner was the first of the FCC's three

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"Whatever is your first priority . . . your second priority has to be media reform"). His website, <http://www.nicholasjohnson.org>, contains additional articles, speeches, bibliographies, and other material, as well as links to his blog ([FromDC2Iowa.blogspot.com](http://FromDC2Iowa.blogspot.com)), the full text of roughly 400 FCC opinions he authored, his coverage in the *New York Times*, biographies of Johnson, and more.

"Computer Inquiries," which began in 1966 and continued to 1989.<sup>3</sup> The inquiries sought to understand and establish policy for information technologies, made possible by one of Johnson's rare *majority* opinions, *In Re Use of Carterfone Device* (Federal Communications Commission 1968), which overturned AT&T's prohibition on "foreign attachments" to its network, broke its Western Electric phone-equipment-manufacturing monopoly, and thereby "paved the way for a period of profound technological innovation in the telephone equipment industry and to the Internet beyond" (Johnson, 2008, p. 677). In turn, this has set in motion a debate over what has come to be called "network neutrality" that has embroiled recent FCC chairs Michael Powell, Kevin Martin, Julius Genachowski, and current chair Tom Wheeler.

The FCC continues to struggle to provide a meaningful democratic check on the industries that it nominally regulates, a struggle exacerbated by the well-documented incestuous relationship between government and industry that has long epitomized media and telecommunication policy and regulation. Indeed, all four of the most recent FCC chairs (along with many other presidentially appointed FCC commissioners) have cycled between the public and private communications sectors, with careerism and cronyism frequently trumping the public good.<sup>4</sup>

Although the revolving door was hardly unknown in Nicholas Johnson's day, Johnson was an early, ethical exception to this practice, and he thus serves as an example of the kind of leadership that we seek to commend in this article. Johnson wrote in 1970:

[One must] question whether government can ever realistically be expected to sustain a vigilant posture over an industry which controls the very access of government officials themselves to the electorate. I fear that we have already reached the point in this country where the media, our greatest check on other accumulations of power, may themselves be beyond the reach of any other institution: the Congress, the President, or the Federal Communications Commission. (p. 71)

It is always foolish to long nostalgically for the "good old days" of political courage and the kind of public-spirited, brave politicians memorialized in the 1939 film *Mr. Smith Goes to Washington*. After all, complaints about Washington's failure to rein in the corporate media long predate the FCC itself, and various commissioners before and after Johnson have vigorously stood up to corporate power. For example, James Lawrence Fly and Clifford Durr were important reformers at the FCC in the late 1930s and early 1940s; Newton Minow rocked the boat, at least rhetorically, in the early 1960s; and Michael Copps was a fierce advocate for a more democratic media system in the early 20th century (see Fones-Wolf,

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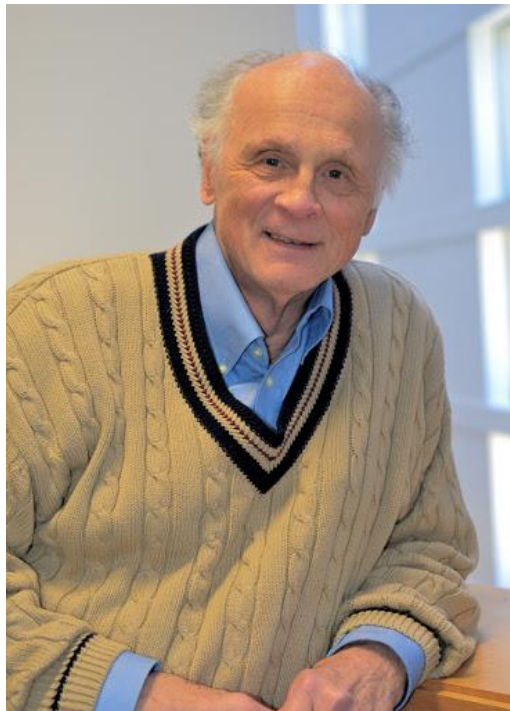
<sup>3</sup> The Computer Inquiries were a series of three successive FCC proceedings starting in 1966 that began grappling with the regulatory challenges of separating telephony (common carriage) from computer data processing services. The FCC's decision in 1980 as part of the Second Computer Inquiry to differentiate "basic" (regulated) from "enhanced" (unregulated) services set the stage for future legislative and regulatory distinctions between "telecommunications" and "information" services, the regulatory antecedent to the contemporary debate about network neutrality. See also Zarkin (2003) and Lentz (2013).

<sup>4</sup> See, for just a few recent examples, Lieberman, 2014; Feinberg, 2014; and Lawson, 2014.

2006; Brinson, 2004; McChesney, 2004). Most recently, Commissioner Mignon Clyburn has taken important stands on issues such as prison phone justice and broadband connectivity.

Nonetheless, it is not hard to wish that the current FCC were, at this crucial time, being led by a combative and pugnacious champion of the public interest in the Nicholas Johnson vein rather than the once-and-future lobbyists for whom the term “regulatory capture” might be too kind.

With that in mind, we thought the time right to ask Johnson, once the 29-year-old reformer and now a recently retired 80-year-old law professor at the University of Iowa, to reflect on his time at the FCC in relation to contemporary technological and political developments.<sup>5</sup>



**Figure 2. Johnson at the University of Iowa Law Library in 2012.**

*(Photo by Andrea Chapman Day)*

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<sup>5</sup> What follows is an edited version of an interview we conducted with Nicholas Johnson over Skype on April 18, 2014. We met Johnson at a conference at the University of California, Santa Barbara, titled *Dirty, Sexy Policy* (<http://www.carseywolf.ucsb.edu/pollock/events/dirty-sexy-policy-conference>), for which he was the keynote speaker.

### Interview with Nicholas Johnson

**Kirkpatrick:**

Last night I was at a dinner with a couple who works in the cable industry in Massachusetts and mentioned that we were going to be interviewing you today. They shuddered in slight horror. Forty years later your name still sends chills down their spines.

**Johnson:**

I find a negative reaction from anyone in the cable industry to be rather bizarre since I was an advocate for cable in the early days. The FCC was continuing to serve the constituency with which it was most comfortable—namely, the broadcasters—and I predicted that when the day came, when maybe conglomerates owned cable as well as broadcasting, that gradually the FCC would relax its opposition to cable. Ultimately that happened.

I've had a theory with regard to administrative decision making which I call the "vector analysis of administrative decision making." Just as one can predict what path a light airplane will follow by identifying the strength and direction of the wind, so one can predict where an agency will come out when ruling on a policy question by examining the strength and direction of the pressure being applied to the agency.

Initially it was the broadcasters who were overwhelming the budding mom-and-pop cable operators, then called community antenna television. Subsequently, as it grew, the cable industry gained more power over Congress and the White House and the Federal Communications Commission. That's when things became easier for the cable companies.

**Lentz:**

I also talked to a seasoned public-interest advocate who recently went to work for the FCC, asking for comment about the fact that we were going to be interviewing you about political courage as an FCC commissioner. This person's reaction was, "Well, he worked at the FCC in a different political era," which seemed to be saying that it's harder now to be an independent voice and show that kind of political courage today. What are your thoughts about that? Are things really that different?

**Johnson:**

I'm not there today, and so it would be presumptuous of me to say that this person is wrong—how would I know? But it seems to me that whether you're watching the play *A Man for All Seasons* or considering what I did in the 1960s (which may have produced the occasional assassination threat but no likelihood of the beheading Sir Thomas More suffered) or what other outspoken FCC commissioners did in the years prior to that, courage is courage.

My view was that as a public official, you have a responsibility to represent the public interest. You take into account the views of people in industry to the extent their analysis is solid, but you have no responsibility to take into account their political power. You declare what you believe to be in the nation's

best interest. If those special interests have enough lobbying power and campaign contributions to go to Congress, and get Congress to overturn what you do at the FCC, so be it. That is the way our failing democracy deals with things like this.

But I don't see, really, where the courage is required. You may find yourself—as I did, as a result of what I did at the FCC—unable to ever again get employment in Washington. But it seems to me that's a price worth paying for the honor of serving our country in that way.

Of course, it is much more difficult to oppose the special interests if you want to come out of the industry, go into government, and then go back into industry. Yes, then it's extremely difficult to stand up and speak out. But that's another matter entirely.

**Lentz and Kirkpatrick:**

Let's follow up on that. An important theory in media policy analysis is "regulatory capture," the idea that policy makers are dependent on, beholden to, or manipulated by corporate interests. Is regulatory capture a real thing in your view, and if so, how did you seek to avoid it in your time at the FCC? Why do so many policy makers seem to fail to avoid it?

**Johnson:**

Yes, I think it's been widely identified and written about within the academy, within journalism, and by some who have served in government. As Mason Williams, the former head writer for the very popular 1960s CBS TV show *The Smothers Brothers Comedy Hour* once put it, "You can't fight the system from within because the system is from within."<sup>6</sup>

What is called "regulatory capture" is the consequence of what I've called "the sub-government phenomenon." It is a bit of a misnomer and diversion to talk about the three branches of government, the executive, the legislative, and the judicial. Even listing but three overlooks the administrative agencies, since the independent regulatory commissions are essentially a fourth branch. But the real power lies inside the units *within* government that involve individual agencies and industries, whether it's the oil industry, railroads, hospitals, big pharma, or the broadcasters and Internet folks.

Industry control of Washington involves much more than merely campaign contributions and the lobbying of Congress and the relevant agency. There tends to be an interlocking, mutually supporting set of institutions that work together to maintain industry control: those at the agency who aspire to jobs in the industry, the members of congressional subcommittees dependent upon the industry for their campaign contributions, a trade press serving the industry's interests, and dependent upon its advertising dollars and leaks from the agency, eating clubs and retreats for fishing or golf where all these individuals gather, lawyers who practice primarily for the industry before the agency, and, of course, the lobbyists and publicists—among others.

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<sup>6</sup> See Williams (1969), p. 91.

This is a very tough nut to crack, particularly in a system where there are ever-increasing amounts of money coming into the elective process as a result of the Supreme Court's *Citizens United* (2010) and other decisions. You need public support, but that requires that the media focus on something other than what Walter Lippmann once described as "sideshows and three legged calves."<sup>7</sup> The media gives relatively little attention to the role of the big money and corporations and banks in driving policy in Washington, D.C.

**Lentz and Kirkpatrick:**

What do you think has actually changed in the political climate between your time at the FCC and today? Obviously the inflow of money is a big thing, but what else has shifted?

**Johnson:**

I'm not the expert on what it's like there now, but from the outside, it seems to me that not much has changed. You still have the mass media largely ignoring the regulatory commissions and agencies, but that was true in my day. The agencies inside the D.C. area known as "the federal triangle" impacted one-third of the nation's economy, and yet *The New York Times* and other major papers often had not one single reporter assigned to those agencies.

You have an increase in the amount of money being spent on lobbying and an increase in the influence of the industry over who gets appointed to the agencies. The current FCC chairman, Wheeler, has not only been head of a trade association but many communications trade associations; he's represented many companies that do business before the FCC; he's provided venture capital for and personally profited handsomely from some of them.

But I think most of these forces are simply some increase in the kinds of pressures that they brought to bear in my time—perhaps a little more intense.

A lot of it also is resignation on the part of those within this system that there is nothing that can be done. There is a kind of apathy and despondency on the part of the public generally that our nation is ruled by the 1%, that nobody is going to listen to the 99%, and there's nothing much they can do. There's also been a radical decline in the so-called public interest movement, such as, for example, the Citizens Communications Center. This "law firm" of young lawyers working on orange crates for desks, sleeping in sleeping bags, and living on peanut butter and noodles, with the financial support of some small foundations and wealthy individuals, all took as their mission appealing the very worst of the FCC's decisions to the courts.

As this became no longer a popular thing for foundations to fund, and when the economic decline hit and more of the foundation money had to go into providing basic social services, there were fewer organized ways to complain.

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<sup>7</sup> See Lippmann (1922), p. 365.



**Lentz and Kirkpatrick:**

In thinking about the vector analysis of administrative decision making and subgovernment relationships you mentioned earlier, the intervention of Google and other tech firms into policy debates has often been welcomed by the public-interest community as a counterweight to the cable and cell phone companies. Is it fair to say that the role of corporations in public-interest and policy debates might be more complicated than in the past?

**Johnson:**

No, not really. In the days when broadcasting and cable policy were in conflict, there would be a subgovernment for the broadcasters and a subgovernment for the cable industry, and they would take on each other. Within the broadcasting subgovernment there would also be some little dustups from time to time, but nothing too significant. For the most part, broadcasters, from small station owners to the networks, would see their interests as a common interest shared with their trade press, congressional committee staff, and FCC employees. They would socialize, even literally intermarry, and generally see their interests as united.

But, yes, then there will be other corporations, there will be Internet service providers, cellular telephone companies, cable operators, or land mobile operators who want the frequencies used by the UHF stations. But that's simply the warring of the various subgovernments.

**Lentz and Kirkpatrick:**

If you could set the rules today, what *should* the policies be regarding the revolving door and private-sector interests moving into the government and back?

**Johnson:**

I think that there has often been a misplaced emphasis on the need for expertise on various regulatory agencies, whether you're talking about shipping or the oil industry or the broadcasting industry. I think that's a bit of a mistake.

When I was nominated by LBJ to be maritime administrator and I went before the Senate Commerce Committee, the Senators wanted to know what shipping experience I'd had. Although not precisely accurate, as I tell the story, I responded that I had once operated a canoe on the Iowa River, but not very successfully, and the senators, wisely, in my opinion, found that to be adequate shipping experience for a maritime administrator. They thought there was a value to having an independent voice, and someone who would take a fresh look at what had been a very troubling industry-government relationship with regard to subsidizing the American merchant marine.

So I think what you want in these positions are people who do *not* want to be reappointed, people who are confident of their ability to continue to sustain their families and themselves financially, but are not dependent upon being hired by the industry or being reappointed to positions in government. You want people who have demonstrated independence of mind, strong analytical skills, are what we call a quick study, with an ability to grasp a lot of information quickly, willing to keep an open mind to those special-

interest pleaders, but also willing to explore with the academy, truly independent think tanks, and others the best data that is available.

So I think not only is there very little, if any, need to be plucking people out of the industries that the agency is going to regulate and appointing them to the agency, it is demonstrably undesirable to do so. But in order to do what I've just described, you need to have the political strength to do it, and in order to do that, you've got to get the money out of the system. So I think the prognosis is that we're probably going to continue with the revolving door.

**Lentz and Kirkpatrick:**

One of the problems that the revolving door exacerbates is the vagueness of the "public interest, convenience, and necessity." Do you think that the meaning of that phrase has shifted between then and now? Does it still mean the same thing, or *should* it still mean the same thing, but doesn't?

**Johnson:**

In fairness, let's acknowledge that it never did mean much. It's essentially a vacuous phrase, so much so that there was, early in the FCC's history, a serious question raised as to whether or not this was an unconstitutional and inappropriate delegation of congressional power to a non-congressional body. Did the Congress have an obligation under the Constitution, if it was going to delegate power, to provide much more specific guidelines than anything so vacuous as the "public interest, convenience, and necessity"? In an opinion written by Justice Frankfurter, the Court held that the public interest standard was enough guidance, but at least that was a question.<sup>8</sup>

In my view, what it meant was a search for what is in the best national interest, not "What can we get the Motion Picture Association of America and the National Association of Broadcasters and the National Cable Television Association<sup>9</sup> to agree upon among the three of them?" That may or may not be an appropriate job for a congressional committee, but it should not be the job of the FCC.

The FCC ought to try to figure out—drawing upon sources within the relevant industries but also sources far beyond those, people who have thoughtful contributions to make to the inquiry—what are all the implications for the American people of one decision or another.

I often cite what we did with the Human Genome Project in requiring that a certain proportion of the congressional appropriation would have to be invested in ELSI: ethical, legal, and social-issue inquiries. I believe the same thing would be useful with regard to many kinds of public policies that involve technologies, whether biological or electronic.

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<sup>8</sup> Johnson is referring here to *National Broadcasting Co. v. United States*, 1943.

<sup>9</sup> Today the National Cable & Telecommunications Association.

**Lentz and Kirkpatrick:**

In terms of drawing upon relevant sources, how much control did you actually have in choosing your staff and your advisors, and what power did staff have in framing your positions and in recommending policies to you?

**Johnson:**

When you talk about an FCC commissioner's "staff," the word has two meanings, and when you talk about "advisors," that also has two meanings.

The Federal Communications Commission, as an agency, has a staff, and most of the employees are part of the staff. They are divided into offices, bureaus, and departments, and so forth, and they prepare the papers that are brought to the commissioners.

Each commissioner also had a *personal* staff, normally a legal advisor, an engineer, and a secretary. In my case, I took the money for the engineer and turned it into two other staff positions: I had two legal assistants and essentially a chief of staff, who was also a professional economist, and a secretary or two. So I had total control over who I had on my own personal staff, but I had virtually no control over who the FCC as an agency would hire for these other positions.

In terms of advisors, there would be advisors that the FCC would acquire, for example, on the computer inquiry<sup>10</sup> we signed on with the Stanford Research Institute, an affiliate of Stanford University, to do a study for us regarding our needs for computer networks.

In terms of personal advisors, I was free to call anyone in the world on the telephone, to read publications from all kinds of sources, attend conferences, and so forth. So my point about looking far and wide beyond the Washington, D.C., community of special-interest pleaders related to those kinds of advisors.

**Lentz and Kirkpatrick:**

Shifting gears a bit, how do you think about the role then of courage and independence in policy making? How many of the problems in media policy are systemic and how many are a matter of getting the right people for the job?

**Johnson:**

I think an enormous amount of it is systemic. Given a system where the future of these individuals is dependent upon going to work for an industry that largely controls the process from beginning to end, it's going to be very tough for anybody to stand up in the middle of that. But obviously, I also think individuals matter. As I described earlier, you would like to appoint people with certain qualities, and the more people like that you can get the better.

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<sup>10</sup> See Note 3 above for an explanation of these proceedings.

I'll tell you another anecdote. Since 1972, because I live in Iowa, I have been putting a question to every presidential candidate who comes through town, which is just about all of them, that is very related to your question: "Senator, assuming that everybody here thinks you're right on the issues, and assuming that you get elected president, why are the coal mine operators going to have less control over coal mine safety than they do now? Why are the shipping companies going to get less subsidy than they get now?"

Most of them have absolutely no response at all, because they've never thought about it and nobody has ever asked them that before. The closest any came to providing an answer is, "Well, I'm going to appoint good people to office." And my response to that is, I'd like to believe that I was a "good people" in office. And what I discovered is that there's very little you can do if you have an agency staff—which, at the Maritime Administration, was taken to lunch by the industry, invited to ship launchings where their wives were given diamond necklaces, and liquor trucks would back up at Christmas with cases of liquor—and that's the staff you have to work with. You are overseen by congressional committees that are largely provided their campaign contributions by the very industries that you are trying to regulate. The industry is listened to at the White House and the Department of Commerce, and the mainstream media totally ignores your agency.

The question becomes, "Okay, now that you've got a good person in the middle of all that, what do you expect them to do?" They have no support from the mainstream media because they don't even know the agency exists, they have no support from within the industry, they have no support from Congress, they have no support from the cabinet, and they have no support from the White House and the Office of Management and Budget. You know that saying, "Keep your eyes on the stars, your nose to the grindstone, now try to work in that position"? Just try to work in that position as the head of an agency. So an awful lot of it is systemic.

In terms of how much of this should be personal, I believe it was Edmund Burke, in a famous speech he gave to his constituents, in which he made clear that, yes, it's his responsibility to represent their interests, but he also has a responsibility to use his own mind and his own analytical skills to do what he thinks is not just in their best interest but in the nation's best interest.<sup>11</sup>

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11 See Burke (1774):

It is [a representative's] duty to sacrifice his repose, his pleasures, his satisfactions, to [his constituents]; and . . . to prefer their interest to his own. But his unbiased opinion, his mature judgment, his enlightened conscience, he ought not to sacrifice to you. . . . These he does not derive from your pleasure; no, nor from the law and the constitution. They are a trust from Providence, for the abuse of which he is deeply answerable. Your representative owes you, not his industry only, but his judgment; and he betrays, instead of serving you, if he sacrifices it to your opinion.

I think that's what's involved here. I think that you are not put there to just solely run off on your own whim, but neither do I think you're put there to simply try to come up with compromises among all of those pleading special interests.

***Lentz and Kirkpatrick:***

A lot of the things that we're discussing are endemic to the American system, yet policy is increasingly global today. It's fair to say that many of the largest threats to free and open communications and the public interest are happening at these global fora—for example, the World Intellectual Property Organization (WIPO) and the secret trade agreements like the Trans-Pacific Partnership (TPP) and that sort of thing—often with little or no public input. So can you speak to how this move to the global level of policy affects the work of policy makers like the FCC?

***Johnson:***

Among the oldest international organizations is the International Telecommunications Union (ITU). There was a transatlantic telegraph cable in the middle of the 19th century, and so it has of necessity been a matter of both international and global regulation.

Why do I distinguish the two? By international I mean agreements between nation-states, between governments. But there are also global agreements that are essentially intra-global-industry agreements. We have protocols for the operation of the Internet, and just as I say of railroad regulation, "Without standards the railroads would not only not run on time, they would not run on tracks." The same thing can be said for the Internet. That does not require a United Nations resolution or treaties, but it does require some level of agreement. Another example of that is IATA, which is the International Air Transport Association. Obviously, you have to have some agreement to keep the airplanes from hitting each other and making sure that everybody can understand landing them at airports where your language is not the native language. So that's going to be inevitable.

What has happened over time is that there are more and more global agreements among the large corporations and powerful industries influencing the national delegates to international conferences and the efforts to draft treaties and United Nations resolutions and so forth. If there is a risk that this is going to affect either positively or negatively the long-term economic profits of the members of an industry, they will see to it that they are adequately represented, sometimes because they have influenced which national government representatives end up going to the conference, and on other occasions because they actually go themselves and represent their corporate interest directly. Or they get together ahead of time and agree on what the entire industry's corporate interest is and, through their usual power over government, see to it that that becomes the position of the government. So just as corporate power and control has increased here in the United States, so has it with regard to the increasing necessity for global standards and regulation and agreement on the world stage.

***Lentz and Kirkpatrick:***

As you look back now, are you struck more by the similarities between the regulatory climate of your time at the FCC and the contemporary era or by the differences and changes?

**Johnson:**

Well, I've spoken to that a couple of times already. I'm not there now, and I haven't been there for 30 years. I would expect things have changed a lot, and so I am not the best-informed person to answer that. But my instinct is that things have gotten worse, that corporate power has increased, that media interest in the issues has decreased, that the funding and therefore the existence of public-interest organizations to be a countervailing force has decreased, that corporate power has made its way into all institutions—from organized religion to higher education to government to state legislatures—through organizations like ALEC (the American Legislative Exchange Council), which represents corporate interests and gets similar legislation enacted in states throughout the country.

But I think the early seeds and indications of what was coming were certainly present when I was at the FCC.

**Lentz and Kirkpatrick:**

You've talked about the privilege of serving in government, and you've talked about the problem of careerism. So, what would you think of a definition of political courage, specifically with regard to serving at the FCC as an appointed official as "being brave enough to put one's career in the background and the public interest in the foreground"?

**Johnson:**

Well, for anything coming out of my mouth, that is far too few words. Aside from that, I think it captures it rather nicely.

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