

Communication Scholars Oral History Project
Annenberg School for Communication Library Archives
University of Pennsylvania
Philadelphia, PA

MONROE E. PRICE

interviewed and transcribed by

JEFFERSON POOLEY

recorded by

ANDRES SPILLARI

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Philadelphia, PA

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BIOGRAPHY

Monroe E. Price (1938–), retired associate faculty at the Annenberg School for Communication, University of Pennsylvania, is a distinguished scholar of international communication. Price has made notable contributions to a variety of fields over five decades of legal and communication scholarship, teaching, and institution-building, including Native American law, freedom of expression, media reform, and cross-border communication in the global system. Price was born in Vienna into a middle-class Jewish family, soon after the *Anschluss* annexation of Austria by Germany. Price and his immediate family escaped to New York City in 1939, before resettling in Macon, Georgia, and, three years later, Cincinnati, Ohio, where he remained through high school. As an undergraduate at Yale, Price was an enterprising journalist for the *Yale Daily News*, with reporting trips to the UK, Moscow, and Cuba. After his Yale graduation in 1960, Price briefly worked for the American Heritage Publishing Company in New York City, before joining Robert Wagner’s mayoral campaign as an advance man. In 1962, after a year at the University of Virginia Law School, Price transferred to the Yale Law School, where he was exposed to Native American and communications law. The summer after his 1964 law school graduation, Price worked on the Warren Commission report, before assuming a clerkship with Supreme Court Justice Potter Stewart. The next year Price served as assistant to W. Willard Wirtz, Secretary of Labor, before moving to Los Angeles to take up a law school post at UCLA in 1966. Price conducted extensive work on, and scholarship about, Native American law through the 1970s, including a decade-long representation of the Alaskan Cook Inlet Region group. At UCLA, Price revived his interest in communications law, after serving on the President’s Task Force on Communications Policy (1967–1968). He soon served as deputy director of the Sloan Commission on Cable Communications (1970–1971), and established a Communications Law Program at UCLA (1972). Price published extensively on First Amendment, cable, and satellite issues in the 1970s and ‘80s, and was active in media reform initiatives. In 1982 Price was named dean of the Benjamin N. Cardozo School of Law at Yeshiva University in New York City, where he created the Howard M. Squadron Program in Law, Media and Society. He stepped down as dean in 1991, just as the Cold War global order was in transition. Over the subsequent three decades, Price traveled extensively for international communication projects, commissions, and centers. In the 1990s and early 2000s, much of Price’s work and organization-building occurred in the post-socialist states of Central Europe, the Balkans, and Russia. Price helped establish the Oxford Programme in Comparative Media Law and Policy in the mid-1990s, the first of a number of such centers he helped to launch around the world in this period. Price led a series of projects for the US Agency for International Development (USAID), the Markle Foundation, and a handful of NGOs, many of them resulting in edited volumes. He developed influential arguments around the “market for loyalties,” cross-border media technology, and sovereignty in a trio of solo-authored books: *Television, the Public Sphere, and National Identity* (1996), *Media and Sovereignty* (2002), and *Free Expression, Globalism, and the New Strategic Communication* (2015). In 2004 Price joined the Annenberg School for Communication at the University of Pennsylvania, where he

founded the Center for Global Communication Studies in 2006. Under the Center's auspices, Price helped lead a series of projects in Iran, China, Jordan, Darfur, and Mexico, among others. Price, who retired from the Annenberg School in 2020, is married to noted art historian Aimée Brown Price.

ABSTRACT — Session Three (November 29, 2017)

The session focuses on Price's engagement with media and communication via a series of commissions and while teaching and writing at UCLA, primarily in the 1970s, through to Price's tenure as dean of the Benjamin N. Cardozo School of Law in the 1980s. Price describes his experience serving with the President's Task Force on Communications Policy in Washington in the late 1970s. He also recounts the establishment of the UCLA Communications Law Program, under the leadership of Geoffrey Cowan, around the same time. The session includes Price's account of his deputy directorship of the Sloan Commission on Cable Communications in the early 1970s, as well as his work on a citizen's guide to cable television in this period. A sabbatical year in Paris in the early 1970s is touched upon, in terms of its de-centering for Price of the U.S. First Amendment. Price describes his decision to run for a newly established community college board, and his appointment as Referee in the mid-1970s in the aftermath of a major school desegregation case, *Crawford v. Board of Education of the City of Los Angeles*. Price briefly describes his role in establishing and helping to run an L.A.-based Jewish Television Network. The session touches on Price's legal scholarship from the period, much of it focused on communication topics. Price provides an account of his deanship at Cardozo, and describes the background and reception of his 1991 book on AIDS, *Shattered Mirrors*.

RESTRICTIONS

None

FORMAT

Interview. Video recording at the Annenberg School for Communication, University of Pennsylvania, 3620 Walnut Street, Philadelphia, PA 19104, USA.

TRANSCRIPT

Transcribed by Jefferson Pooley. Audited for accuracy and edited for clarity by Jefferson Pooley. Transcript reviewed and approved by Monroe E. Price, Jefferson Pooley, and Samantha Dodd.

BIBLIOGRAPHY AND CITATION FORMS

Video recording

Bibliography: Price, Monroe E. Interview by Jefferson Pooley. Video recording, November 29 (session three), 2017. Communication Scholars Oral History Project, Annenberg School for Communication Archives, University of Pennsylvania. **Footnote example:** Monroe E. Price, interview by Jefferson Pooley, video recording, November 29 (session three), 2017, Communication Scholars Oral History Project, Annenberg School for Communication Archives, University of Pennsylvania.

Transcript

Bibliography: Price, Monroe E. Interview by Jefferson Pooley. Transcript of video recording, November 29 (session three), 2017. Communication Scholars Oral History Project, Annenberg School for Communication Archives, University of Pennsylvania. **Footnote example:** Monroe E. Price, interview by Jefferson Pooley, transcript of video recording, November 29 (session three), 2017, Communication Scholars Oral History Project, Annenberg School for Communication Archives, University of Pennsylvania, pp. 34-35.

Transcript of Interview conducted November 29, 2017, with MONROE E. PRICE (session three)

Philadelphia, PA

Interviewed by Jefferson Pooley

Q: This is session three of an oral history interview of Monroe Price conducted by Jefferson Pooley at the Annenberg School in Philadelphia. The interview is part of the Oral History Project of the Annenberg School for Communication Library Archives, and the date is November 29, 2017. So, Monroe, when we left off the last session we were talking about your work in Indian law. What I'd like to do, though, is go back a few years to the late 1960s to pick up the thread of your work on communication and media regulation and law, and in particular the President's Task Force on Telecommunications [*sic*: Communications] Policy that you worked on in 1967, I believe. So, could you—

PRICE: Around then.

Q: Yes or around that time anyway. So, how did that come about and who did you work with and what kind of work did you do?

PRICE: I guess that there was a decision, partly because of the question of what should happen to the Bell telephone company [i.e., AT&T] and what the structure of media and communications in the country should be. Lyndon Johnson appointed something called the President's Task Force on Telecommunications [*sic*: Communications] Policy with Eugene Rostow as the chair and Alan Novak as executive director. And Alan Novak had been a clerk for Justice Potter Stewart, and my colleague at the Yale Law School. And he assembled an extraordinary team of scholars, many of whom wrote continuously in the field, and I came on as a junior researcher, as it were. These were economists, political scientists, and they were thinking about whether the company should be divided, should be split, etc., and its relationship to television and to cable, which was just coming more into the picture.

So that was a thrilling experience for me and it was the first time I was seeing it at this sort of elevated level and in a comprehensive way—and also, the idea that you did a kind of systematic, broad analysis, multidisciplinary, and came up with recommendations that would then be enacted in some way. That model was a very important model. And among the people who were researchers was Richard Posner. Richard Posner was brilliant then as he is brilliant now, and as I recall the way the commission worked—there were like a hundred reports done.

They were all stacked up. Dick Posner sat at one end of the table, he sat at a typewriter, he read all these reports and funneled them into a report, which was then issued.

There was some controversy, which I can't remember now, about the economics of the report. And I'm not sure—it's not as famous of a report as it should be, because of some division of belief on some of its recommendations. I can't remember what that problem was right now. But the main thing, for me, was getting involved with cable and trying to begin to understand the relationship between cable and broadcasting, the general history of the idea of competition in the industry and how competition should work, what the goals of competition were, the idea of trying to reach many channels as opposed to a few, and how that should be orchestrated. It was sort of a window into the next few decades.

Q: Well, you were exposed there, clearly, to the legal, the regulatory, political-economic aspects of broadcasting and also the emerging cable, I suppose. This is a tangential question in a way, but were you exposed to or aware of, or were there any representatives of, the new would-be discipline of communication itself? Or were these folks like Rostow, Posner, and others, who were from adjoining social science or legal disciplines that—

PRICE: I think more of that. Yes, I would say more of that.

Q: And you weren't conscious of anything like a field of communication in this period, right?

PRICE: Yes, I don't think so.

Q: OK. And given that you had been exposed and interested in media- and communication-related legal topics, way back at the Yale Law School, and had written a few things about copyright, and even artists' rights to their income, and that sort of thing—did this telecommunications task force do anything to steer your interest in making this a primary focus of your career?

PRICE: It certainly shaped it up as a central focus—whether it was primary or secondary, it depended on what would happen at UCLA [University of California, Los Angeles] and what kind of emphasis I would have in course assignments, etc. But, definitely, it set the stage for that.

Q: You did go to UCLA almost immediately after this—

PRICE: Yes. I might have been on the UCLA faculty already. I think I was.

Q: If it was overlapping, it sounds like, you were just about at that point when you had started to do lots of Indian legal work, both scholarly and in litigation, and you had, in this period, also, I presume, course assignments at UCLA as a new professor. You talked a little bit in the last session about how you and your colleagues wanted to adapt UCLA a bit to its environment, including its entertainment environment. And I was curious if you had any role in adapting entertainment law in particular into the push—

PRICE: Well, I adapted media law.

Q: OK.

PRICE: Is that OK?

Q: Yes. Yes, that's perfect.

PRICE: No, I set up a clinic at UCLA law school on media law and policy [UCLA Communications Law Program], basically, and recruited Geoffrey Cowan to head it. And that was a very important element of my life, was establishing it and then getting Geoffrey to run it.

Q: And what year was this, roughly speaking?

PRICE: It's around the same period, 1967 to '70 or '71. I'm not sure. And Geoffrey moved to Los Angeles, to UCLA, to run this program.

Q: To run this. And it was mostly integrated into the law school's curriculum—or did it have a kind of external-facing role as well?

PRICE: Yes. I think the way it worked was that this entity—I can't remember the exact name of it—took cases, and it was tied to the public interest law movement. And so it was a kind of public interest law movement in the communications field. So you had the couple famous ones in Washington, DC, and you had Geoffrey running this project in Los Angeles. And it had a very good string of directors. Geoffrey was the director, and then Charlie Firestone was a director, and a couple of other wonderful people.

Q: So it had this clinical role?

PRICE: Yes.

Q: It had a teaching aspect as well that the students would rotate into it?

PRICE: Yes.

Q: Presumably it was existing alongside the California Indian institute [California Indian Legal Services]?

PRICE: Legal Services, although that Indian Legal Services moved out to a reservation in Southern California. The Escondido.

Q: I see. Got it.

PRICE: On to a reservation [in] Escondido.

Q: You would be teaching formal coursework too, that was on media law, outside of the clinic?

PRICE: Yes.

Q: OK. For example, courses like?

PRICE: It would just be a general course on media regulation in the United States.

Q: Got it. It was around that time that you must have been asked, probably on the basis of the task force work in 1967, to be part of this new [Alfred P.] Sloan Foundation–sponsored project, this Sloan Commission on Cable [Communications], which was of course a new emerging technology then. And you were the deputy director of the Commission.

PRICE: Yes.

Q: Did that take you out of Los Angeles?

PRICE: I think I spent I spent a year on the East Coast working on that.

Q: OK. Regardless of the exact way in which you were tapped, you moved to the East Coast, and what was it that you did as deputy director? The famous report came out the next year, *On the Cable: The Television of Abundance*.¹

PRICE: I did a lot of the shaping of it, the commissioning of papers for it, maybe some of the editing of it, and I did an appendix or two myself. But it was a lovely experience. Again, what I learned from the telecommunications task force was this idea of a kind of general overview. This was less economics-driven, less high-tech professional, in the sense of the telecommunications task force was. But it was more engaged with—it was more of a cultural communications entity on the cable. One of the things I liked very much was, I did an appendix on citizens' uses of cable television. Which then led to the—

Q: —led to the 1972 book that you did.

PRICE: Yes, exactly.

Q: I want to talk about that in a couple of minutes. When it came to the Sloan experience, what was your day-to-day role there? I mean, I know you helped shape the actual report.

PRICE: There was a staff. So we shaped the report, we prepared reports for the commissioners, prepared for their recommendations, drafts, and reviewed drafts of chapters and that kind of thing.

Q: And in some ways you were doing the kind of publishing work that you were talking about having been exposed to at *American Heritage* back a decade earlier and some of that packaging—

PRICE: Yes, although one of the Sloan representatives was Steve White—I think that's his name—who was a literate New Yorker who was hired specifically for his talent, and sort of general writing. Because I think the Sloan Commission wanted very much to have a book that could be read, that was lyrical some ways.

¹ Sloan Commission on Cable Communications, *On the Cable: The Television of Abundance* (New York: McGraw-Hill, 1971).

Q: It is, in fact quite well-written. And what about the commissioners. Did you interact with any of them in extensive ways?

PRICE: I did. I mean, I don't have long-standing relationships with them, but yes. I would say the commissioners were important. Leonard Tow of the Tow Center [for Digital Journalism, Columbia University] was one of the commissioners, for example [*sic*: Tow was not a Sloan commissioner].

Q: And any others—

PRICE: And he must have been a kid, right?

Q: Right. He must have been. Any others that were influential on the commission itself?

PRICE: I have to look at the report to refresh my memory.

Q: Right. OK, that's totally fair. During that period, clearly, you were getting more and more invested in—

PRICE: —in communications, in communications policy, in a kind of analytical approach in thinking about the transformations that were taking place. I mean, that was what was quite interesting, was the whole idea of moving from the three-television-network model to the television-of-abundance. One of the really interesting questions, as I recall, was, when does the system crack? Does it crack at five channels or eight channels or a hundred channels, etc.? That kind of thing.

Q: Well, and it is a pattern that seems to have stuck, at least through to the 1980s, that you've worked on emerging technologies that were in some cases, like broadcast satellite, not even actually in play yet.

PRICE: Right.

Q: And the legal ramifications and complexities that they would probably bring and regulatory challenges. Right? And so that pattern seems to have started in Sloan?

PRICE: Yes. Actually, I just remembered—something keyed it off—an article that I wrote later called "Requiem for the Wired Nation."² I'd been involved both on the wired nation side, and then on the requiem—we still haven't finished the requiem side, but we're still playing with both the idea of a wired nation and the idea of a requiem for a wired nation.

Q: Can you just expand on that a tiny bit?

PRICE: Well, the wired nation is this romantic, utopian idea that if we just wire things up or internet things up, etc., all problems will be resolved. Medicine will be better, education will be better, democracy will be better. These were the arguments that were made to invest in the

² Monroe E. Price, "Requiem for the Wired Nation: Cable Rulemaking at the FCC," *Virginia Law Review* 61, no. 3 (1975).

shift to cable, the shift to satellite, and certainly the shift to internet. It's been interesting to watch that same pattern occur across each of these innovations. We're now getting into the requiem side, which is Uber not getting the delivery of the miracles of the wired nation that existed in—supposed to exist in cable television, or in satellite, or in—maybe the Internet's dangerous. Maybe it's not the be-all and end-all of everything. Although, it seems pretty good.

Q: Well, the Sloan report did have a bit of that wired nation character to it and even a bit of optimism, but it was rooted still in a focus on minority broadcasting or programming, I should say, and the public interest.

PRICE: Yes.

Q: So it had that strong character—as did your 1972 follow up, which was not Sloan-sponsored, but Markle [Foundation] and—

PRICE: United Church of Christ [UCC].

Q: —sponsored. That book has a striking introduction, if I remember right, where you talk about how radio was essentially an opportunity, in some ways like this wired nation notion, that became commercial.³

PRICE: Yes. Right.

Q: The same thing happened with broadcast television. Here, as you put it, was a third chance. So what was the—

PRICE: I don't know if that was my phrase or John [Wicklein], my co-editor—who's a wonderful guy who became dean at the Boston [University] School of [Public] Communication.

Q: OK.

PRICE: John Wicklein.

Q: Right. You and your co-author, then: What was the idea behind this? It seems to have come out of maybe the appendix that you did—

PRICE: It probably came out of the Sloan appendix. But I think United Church of Christ. That was Everett—

Q: Parker.

PRICE: Parker was a great man. He's an apostle of citizen use of television. He believed that television could actually produce good things, and that if we all worked hard at it, it would change in micro-ways that were his positive society. He asked us to assemble examples of this, so that communities would have a guide to how they could intervene in cable television

³ Monroe E. Price and John Wicklein, *Cable Television: A Guide for Citizen Action* (Philadelphia: Pilgrim Press, 1972).

franchise proceedings, and then [produce in] ways that would further these goals. And that was a wonderful effort. I liked that a lot.

Q: How much collaboration was there with Everett Parker? He wrote the foreword but I didn't know if—

PRICE: He helped inspire it, but I don't think he worked on the day-to-day.

Q: OK.

PRICE: It wasn't a commissioned project. It was just John Wicklein and I.

Q: It really did have this character of being a how-to, a guide for citizens, right?

PRICE: Yes. Very purposeful.

Q: And even translated federal regulation and likely regulation for the local communities. Did you hear about its impact in any concrete way? I know it got translated in different ways, but did local communities use it?

PRICE: Yes it got translated into different foreign languages to be used elsewhere. It was a time in which there were a number of practices in groups around the country, so it was a bit of a movement—and some of it continued with some of the same people, somewhat graying and somewhat institutionally related—not in assisted living but it's just short of that. And so there was a community. Yes. I learned from the community and I think the community benefited from some of this cross-pollination.

Q: It's a project that, though it didn't happen at the same time, I thought I may ask you about. That project, the book from 1972, and your attempt—I don't know if it was half-hearted or not—to create a Jewish television channel, or brief attempt to do that—or Jewish Television Network.

PRICE: Was that at the same time? It was later.

Q: No, I think it was more like 1980 [*sic*: 1981].

PRICE: Yes, that was later.

Q: But it seems like—

PRICE: Yes. I think that came about—yes, I think it's influential because I had this in the back of my mind. I had these practices in the back of my mind, and the opportunity came up in Santa Monica to think about ways in which the new Westinghouse-acquired cable system could be more responsive with the objective of gaining benefits from the Los Angeles City Council. I suggested this Jewish Television Network as one way of doing this. Then I did a lot of the things that I wrote about in the book, and it was harrowing [laughs]. It was so consuming, and the

question was—it was very useful for the people involved, but it takes over your life. It was only by escaping to New York that I could terminate my relationship with this.

Q: OK, and did it ever get off the ground as a going concern?

PRICE: It did get off the ground, and I would say there's some channel now which inherited some of it, etc., etc. I would say it wasn't a brilliant, fabulous success, but it performed. It had a relationship to Allentown, Pennsylvania.

Q: Is that right?

PRICE: Who's the great donor at the [Allentown Art] Museum? Philip [Berman]—I'll try to remember the names. But his daughter, who had helped to finance it, and she ran it. She and her husband ran the Jewish Television Network for a while.

Q: Right, I know who you're talking about. OK. That's fascinating. You did escape to New York, and I want to ask about your shift across the country in a minute, but before that, and leaving aside the *Television of Abundance* for a moment, in 1972 you ran for public office in Los Angeles?

PRICE: That's true.

Q: It was for, it sounded like, a community college board?

PRICE: Yes.

Q: And what was the motivation and how did you do?

PRICE: Well, the community colleges in Los Angeles were run, I think, by the city or something like that. The state established a Board of Governors with seven people. So there were fourteen openings for runoffs. But this was a new board with no incumbents, and so 118 people ran for these jobs. I came in eighteenth out of 118. I got more votes than anybody past the first page of the ballot—so it was alphabetical, and everybody who got elected was an A or a B, more or less. So that's the way it worked.

But part of the reason I ran was that my friend Jerry Brown ran. I thought it would be really fun to either serve with him or if he could run, why couldn't I run—some democratic ideal like that. It also had to do with the quality of Los Angeles, which is a very open society and unlike New York, where everything was regulated by clubs and things like that. It was very hard to enter—back to the Wagner-Beame-Screvane [New York City mayoral ticket]. You could see the domination of the political tribes, as it were. In Los Angeles things were open, and so I thought I would just go for it. It was a very exciting experience.

Q: There's something *Felix Krull*-like about that, in a way too, isn't there? The idea of just becoming a politician on the lark.

PRICE: I wouldn't say it was a lark. I would say it was because a lot of the people, certainly all the younger people who were trying to make it in Los Angeles, each of them saw potential. Everybody was advancing in different ways. So this seemed to be one exciting way to open up. It was back to my idea of, if I'm in LA, I want to be of LA and part of LA. I learned a lot from this process. Later I became the Referee—the desegregation case [*Crawford v. Board of Education of the City of Los Angeles*, 1970]—I know you're not jumping ahead to that. But I think there's a relationship between running for office, trying to understand the politics in the demography of Los Angeles, and functioning as Referee.

Q: Well, maybe I will ask you about that right now because—I do want to circle back to the openness and social fluidity of LA and California in particular. But it was *Crawford v. The Los Angeles Board of Education* [*sic: Board of Education of the City of Los Angeles*] back in 1970. But you weren't involved until maybe 1976 or '77?

PRICE: Right, because that was the litigation of it. I came at what's called the remedies phase.

Q: So you were appointed by a judge.

PRICE: A judge.

Q: OK. What was your role as a Referee? What does that mean in practice?

PRICE: I think my role as Referee was basically to ensure, to the extent possible, that the parties worked towards an operational decree as opposed to just debating it forever. In other words, these are very complicated decisions. They can go on and on. They're very technical. They involved a lot of architectural aspects but also mechanical ones. It involves bussing, knowing all the routes, knowing the capacity, understanding what the obstacles, etc., etc. So my job was to shadow in a way the superintendent of schools, work with the legal parties, etc., and just do the best I could to help to move it along with very little authority or just the implied authority of the judge.

Q: You were remarking that in some ways it was connected to California's openness, that your motivation to be part of this and maybe even the desegregation cause itself had something to do with your interest in it?

PRICE: Well, going even back to what I said about Clark Kerr and the university. I think it was a time when these institutions felt that there was a positive role in building California. There were aspects of it, including deseg', which are related to that.

Q: Then the media clinic and of course the Indian services are in the same vein.

PRICE: Terrible to look back on all this sort of false sentimentalism, but it's good.

Q: Right. Well, the wired nation and its requiem—

PRICE: Yes, Ralph [Lee] Smith, who wrote the book called *The Wired Nation* [1972]. I think the Sloan Commission was an important bridge in some way. As I said, the idea of changing

television in a way that allowed the achievement of some of these goals that had been imprinted into “public interest, convenience, and necessity” in a different way from the traditional FCC [Federal Communications Commission] approach.

Q: Right.

PRICE: What we call a structural approach.

Q: Yes, I want to ask about that, because there was a paper you wrote in the late 1970s, or it was published then. It was oriented around the idea that the Fairness Doctrine was perhaps under threat, and that you made an argument that a content strategy of regulation ought to be replaced by a structural strategy, and elaborated some ideas around that concept.⁴ But maybe you could say something, because it did animate lots of your writing over the—

PRICE: Maybe. I guess this question—you can even apply it to deseg’ or something like that—which is, How do you structure things so that good results flow out of it? As opposed to behavioral or content-related interventions. So this could be a larger-scale idea of what structure should look like, how constructions could be more beneficial to produce the kind of consequences. So, this was a dream, which may or may not be valid, that having more channels is a structural approach. Then the question is how does that work, and to what extent do efforts after that—which re-monopolizes, which re-concentrates—interfere with those structural outcomes? So we’re dealing with those questions today in some ways.

Q: Right. Reading that 1979 [*sic*: 1978] paper about—in one case you use the analogy of federal land ownership as a way in which regulatory authority could be imposed in this more structural way on, at least, broadcasting in the form of—and you were kind of speculating—things like the classification scheme and frequency allocation or even segmented licensing, you float as an idea. When you were writing on these topics, were you writing for academics or for policymakers or both?

PRICE: I would say both, but policymakers were an important constituency, or maybe this small band of public interest lawyers. I was on the margin of it, but people like Charlie Firestone, all the wonderful guys in Washington, DC. So maybe I was trying to help enrich those alternatives.

Q: Well, and earlier, in the mid-1970s, you were writing on satellites and the prospect of direct satellite broadcasting. Maybe you could say something about how you got involved in the topic. There was a committee of some sort, that seemed to have NSF [National Science Foundation] funding, that you contributed a paper to, that became a 1975 book that your essay was part of—the book being the *Direct Broadcasting from Satellites*.⁵ You wrote a paper that was

⁴ Monroe E. Price, “Taming Red Lion: The First Amendment and Structural Approaches to Media Regulation,” *Federal Communications Law Journal* 31 (1978).

⁵ Monroe E. Price, “First Amendment Constraints and the Direct Broadcast Satellite Controversy,” in *Direct Broadcasting from Satellites: Policies and Problems* (Eagan, MN: West Publishing, 1975).

published as a journal article too—it's completely fascinating—about satellites' transnational transmission and the First Amendment context in the U.S.⁶

PRICE: This was an important stage for me. I was writing shorter, communications-related pieces that I thought tried to convey ideas that were different from law review articles, that were more like communication studies papers, although maybe not properly contextualized. But again, it was this whole process of technological change and how it relates to an existing legal format. This is still true today, the question of whether the existing rhetoric, the existing categories, are commodious enough to relate to new technologies and new geopolitical realities. I think that when I got to the international as opposed to the national, I think there was more interest as well in the geopolitical as well as the technological—and to see how the two of them intermesh.

Q: How did you get involved at the practical level in the project, or at least this committee's work, to tackle this topic?

PRICE: I'm not sure I can remember—maybe because of the Sloan Commission or the telecommunications task force [President's Task Force on Communications Policy]—probably so. I can't remember who was doing that NSF study.

Q: It was a fascinating period because, I guess, the satellite technology was on its way, people thought, and the geopolitics, particularly Cold War geopolitics, and also America versus the rest of the world in terms of the flow of information, seemed to be at the forefront. Your paper looked at the First Amendment in particular. You make this contrast between the First Amendment in principle and the First Amendment in practice, and that the First Amendment in practice actually is more commodious in that sense.

PRICE: I mean, it allows for degrees of changes. It's not absolute. I think that's been a long-time interest of mine. I'm not sure I gained the day on that kind of question. But yes, I've been interested in how exceptional the United States is with the First Amendment, or what other criteria govern the behavior of states and individuals, as opposed to the Constitutional First Amendment.

Q: In that case you cite Ithiel de Sola Pool a few times.

PRICE: Yes. He became very important to me.

Q: Yes. I was curious about how you first encountered his work and what his influence was.

PRICE: Maybe. I'm sorry I'm a little confused about how all these things fit together, and when. But part of it was the RAND Corporation—even during the Sloan period—and the telecommunications task force. I became—and then at UCLA—some friends with the RAND people and some of the RAND people were doing communications policy. I think that the task force had given RAND money to do some work on this. Obviously, you can see the tie between

⁶ Monroe E. Price, "The First Amendment and Television Broadcasting by Satellite," *UCLA Law Review* 23 (1975).

national security and the satellite policy. I did a RAND paper on community broadcasting in Hawaii with Herbert Dordick and Wally [Walter] Baer, who became a writer in this area as well.⁷ So that became a way that I got interested in these issues. I think the IBI, International Broadcasting [*sic*: Broadcast] Institute, came later, but I'm not positive about that.

Q: A little bit later. And what about Ithiel de Sola Pool and your exposure to his writings?

PRICE: So then I got invited to one of his salon sessions there. For some strange reason I dedicated my cable treatise to Ithiel de Sola Pool.⁸ He was one of the few people who really was riding this train of trying to understand the implications of new technologies for altering the communications policy in the country. So, he played that, I think, important role in training people and in developing a vocabulary for it, etc. Technologies of freedom came later as an idea, I think.

Q: It makes sense. I was thinking about Herbert Schiller and Dallas Smythe, in the context of your satellite work, a few years later when there was this debate at UNESCO [United Nations Educational, Scientific and Cultural Organization] over the free flow of information on the one side, and communication sovereignty, as Smythe sometimes termed it, on the other. A conflict that eventually made its way to [the] Annenberg [School for Communication] and the *Journal of Communication*. Were you involved in any of those debates?

PRICE: Not just now, but I've been trying to sort that out in my mind. I certainly was involved a bit with Herb Schiller. I don't think I was deeply engaged in the UNESCO debate.

Q: Right, the UNESCO free flow of information.

PRICE: I was involved in a little bit or in some ways, but I certainly feel that I've been more involved more recently, in a way, than I was then.

Q: Over the decade when you were at UCLA, before you left for [Benjamin N.] Cardozo [School of Law, Yeshiva University], did you attend conferences that were communication-related, that is to say, like any of the ICA [International Communication Association]?

PRICE: I think I may have gone to one ICA, but it wasn't a regular thing that I did. I'm trying to understand why I wasn't more involved in MacBride—or was I? That's another thing.

Q: Right.

PRICE: That irks me, that I can't figure that out. As it turned out one of my classmates, who was an owner of *The Wall Street Journal*, James [H.] Ottaway [Jr.]—very nice guy—was partly responsible for the drive that got us out of UNESCO. I hate to admit it, but it was true. He helped found the World Press Freedom Committee, and he funded the individuals at the World

⁷ Herbert S. Dordick and Monroe E. Price, "Community Channels: A Pervasive Experiment in Waianae" (unpublished working paper, RAND Corporation, March 1970).

⁸ Daniel L. Brenner, Michael I. Meyerson, and Monroe E. Price, *Cable Television and Other Nonbroadcast Video: Law and Policy* (New York: Clark Boardman, 1986).

Press Freedom Committee who raised the flag that the MacBride Report [*Many Voices, One World*, 1980] was antagonistic to American interests, etc. That ultimately led to the United States withdrawing from UNESCO.

Q: Wow.

PRICE: So, not everybody was perfect.

Q: No. That's fine. Well, I'm thinking of your identity at the time, as a scholar. Were you identifying mostly as a legal scholar first?

PRICE: Yes.

Q: OK. That identity was maintained through to your decision to take up the deanship?

PRICE: I think another way this arose was in my first sabbatical, which must have been around 1972. I went to Paris, partly because my wife, Aimée Brown Price, was finishing her dissertation on Pierre Puvis de Chavannes, a French painter. So my job was to take care of the kids and try to do some research. So, because I was in Paris I did research on international communications, and I spent a lot of time with French broadcasting, and with the internationalization within Europe of broadcasting and broadcasting policy.

I went to meetings there as a scholar, and legal scholar. I think that also helped turn me from being America-centric to understanding European perspectives on a lot of these questions on how to conceptualize the world. So, it was much more about public service broadcasting, and in a much more large-scale way of the architecture of media systems. As opposed to the architecture that I had been taught at the Yale Law School, by Telford Taylor, of all these local radio stations, and false localism, and things like that. So I think that period in 1972–73 was very important in terms of shifting my own scholarly interest and my collegueship.

Q: It struck me, in reading the work from the mid-1970s, that you were very sensitive to the imbalance in flow of information from the United States to the rest of the world, including Europe, and what Smythe or Schiller, I should say, would call cultural imperialism.

PRICE: Yes.

Q: And maybe some of that sensitivity came—

PRICE: Right. But I didn't get, somehow—I certainly wasn't politically engaged as—and I didn't have the kind of political zest that Schiller and Smythe had. Why, is a different question.

Q: The First Amendment exceptionalism of the United States was put in relief, I'm sure, by the sabbatical in Paris.

PRICE: Exactly. So those were key events that, the President's telecommunications task force, the Sloan Commission, my sabbatical in Paris. These were all key aspects of this.

Q: You were named the dean of a very young law school in 1982, and made a big career change—and a large geographic change too—joining Cardozo [School of Law] as its dean, which, if I'm not wrong, had only graduated its first class in 1979.

PRICE: Yes.

Q: You had already had experience running, or helping to run, a pair of institutes, some commissions, but you hadn't had any comparable deanship role at UCLA or anything like that. So, what were the attractions of the post and how did you go about making the choice to move across the country?

PRICE: It's complicated—may even have been erroneous, by the way. But there were a number of things that were appealing. One was, oddly—this is a weird way to think of it. I had an extraordinary life in Los Angeles, and I thought I would never move, and this would be my entire life. That seemed slightly intolerable. So I tried to think, Where would I ever move and under what circumstances? And this seemed a pretty good way to come back to New York—as a break. I think we thought that it would be better for my kids to live in New York than in Los Angeles. I think Aimée thought, from an art historical perspective, it was better to be in New York than LA. My parents were in New York. So there were a variety of factors. There wasn't any great single factor involved.

Q: Was the idea of having a more or less blank canvas with the school?

PRICE: It was somewhat appealing. Yes.

Q: Once you did move, and take up the position, in addition to just trying to increase the school's stature, did you have particular emphases, specialties that you wanted to encourage?

PRICE: Some of this in entertainment law, some communications law, not Indian law. The Innocence Project started when I was the dean, developing clinical legal education. Those kinds of things, etc.

Q: And with the communication law in particular—I know what became the Howard Squadron Program in Law, Media and Society was a big component, and is, at Cardozo. But did you make the choice to emphasize media law, for example, because, again, it was an adaptation to the place it was?

PRICE: It was good for me and it was also important in the environment.

Q: OK. Right. Because it was New York City—

PRICE: Because it was New York City.

Q: —and had this context.

PRICE: Whether I was able to do as much there, as I could do at UCLA, is another question, but there it was. It was good.

Q: What was the experience like taking on such a large role in 1982, as the dean, day-to-day? Did you still manage to keep up writing and teaching?

PRICE: I tried to do some writing and I wrote a book about free expression and AIDS, oddly enough.⁹ I don't know if you saw that book. But it also was oddly about free expression and information, in some ways.

Q: Yes. I wanted to ask you about that. It was published a little bit later in the decade, but you wrote this while you were dean, of course, until 1991. So, that was *Shattered Mirrors*, and I will ask you about it now, because it is such a different book than the other writing you had done up to that point. It was, in a way, a kind of cultural history and prognostication as well, in a broad scale, but though oriented around AIDS.

PRICE: But it's really related because it was looking at AIDS as an information problem—a cultural problem—which is, how does the government get information to individuals? How does information alter behavior? What kind of intervention can be justified or looks restrictive in terms of what can be said or must be said, and where it should be said? So that's what I saw the book as trying to accomplish, thinking about those kinds of questions.

Q: You had these three cultural mirrors, you called them, and that first long section is about popular media representations, in a way, and their link to freedom of expression—?

PRICE: You've read it much more recently than I have, but yes [laughs]. But you can see how it's nicely related to work here, although I'm not sure it ever found its market—not market in a financial way. But I'm not sure it found its audience. It may have been too late or too early, I can't remember exactly which. But it is related to a lot of health communications and Annenberg communications-like questions. So I didn't see it as out of context.

Q: Right, although it was—since it was well before Annenberg—

PRICE: Yes. No, I mean out of my previous—it was a different style of writing, I would say.

Q: Yes.

PRICE: It was also, in a way, related to the arts because it's more about background imagery.

Q: There's close reading of films and magazine articles, and it's a different kind of analysis than anything you had done. In the mid-1980s you had published a more or less traditional, only in the sense that it was a treatise, on law, but on video—

PRICE: On cable—

⁹ Monroe E. Price, *Shattered Mirrors: Our Search for Identity and Community in the AIDS Era* (Cambridge, MA: Harvard University Press, 1989).

Q: —cable law.¹⁰

PRICE: Yes.

Q: —and that had the character of a more typical legal scholar's publication.

PRICE: Right.

Q: So this project, how did it come about? The AIDS one, I mean, the *Shattered Mirrors*?

PRICE: That was totally my invention. I wanted to write something. I guess I was moved to write—I wanted to think about this crisis, or perceived-to-be national crisis. I was definitely interested in the question of government's role in regulating imagery. I later thought of this when asked, What am I interested in? This is like a First Amendment question, it's the regulation of imagery—that imagery is regulated in some ways by the FCC, in some ways in art law, in intellectual property. But this issue was an important one in terms of how images in society affected rates of AIDS and things like that.

Q: Right and the book, since it didn't have the template of being a kind of typical legal scholar's publication, how was it received in the world of media law, or the world of communications?

PRICE: I don't think it was received in the world of media. I'm not sure how it was received. It was received well by me. It had an interesting publishing history. Did Harvard publish it?

Q: Harvard University Press did.

PRICE: Harvard Press published it. Before that it was going to be published by Basic Books, and it had been completely edited, and then my editor quit—not because of the book—he retired or something. Saul Bellow's son [Adam Bellow] became my new editor. He's now a quite famous editor. But he didn't understand what I was trying to do, and he wanted me to do it differently. And so I moved to Harvard as a result of that. But, I mean, if I had stuck with him maybe it would have been a bigger—what was his name? Do you know? He's a quite famous editor.

Q: Right, I do know—Saul Bellow's son, yes. So, that in a way, being published in 1989, was a watershed in part because the Berlin Wall fell that year, and I only say that because the post-Soviet world came along a couple of years later, and your own work, both scholarship and institution-building, changed, and in the direction of post-socialist work.

PRICE: Yes. Right.

¹⁰ Daniel L. Brenner, Michael I. Meyerson, and Monroe E. Price, *Cable Television and Other Nonbroadcast Video: Law and Policy* (New York: Clark Boardman, 1986).

Q: And you will talk about that more next time, but I did want to, before we wrap up, go back to your Cardozo media law-building there. How did the emphasis on media and communication law come about? Did you do fundraising for it? Was this a conscious strategy?

PRICE: Yes. Well, again, it was a general melding of my interest and opportunities. I worked a lot with Howard Squadron, who was the Squadron of the Howard Squadron—actually, Rupert Murdoch was involved, because Howard Squadron was Rupert Murdoch’s lawyer. He had helped on the citizenship question when Rupert was acquiring stations—one issue was whether he was violating the citizenship [rule]. And Howard Squadron, who was a wonderful media lawyer, and a wonderful lawyer, had Rupert as a client. So Rupert was somewhat indebted to Howard Squadron in the New York way. We had a dinner to establish this Squadron Program and Rupert Murdoch helped to get people to buy tables and stuff like that. And the program was named after Howard Squadron.

Q: Right. OK, and what did it consist of, in a practical way?

PRICE: We had some grants. It never became the real theater of my interest in media law. But it did student-related things, like it developed internships. It still does provide summer fellowships for students who are interested in media law to experiment with opportunities. It did some filings at the FCC—those kinds of things.

Q: So when you turned to write *Shattered Mirrors*, I wondered if your decision to write a book that was broader in its scope and more ambitious in its range—and certainly not a typical legal scholarship treatment—if that represented a kind of restlessness with media law?

PRICE: No. It represented a couple things. One was I then, and still, want to find ways of writing in a more human voice. My memoir is like that.¹¹ *Shattered Mirrors* is like that. Now I’m experimenting with ways about writing about art that I collect, that is more human. So I would say it was my effort to find that—and as also a condition of being dean—and wanting to write five hundred word segments. This was the kind of book that I could develop ideas for and then write when I was off the phone.

Q: Did the life of the deanship strike you as rewarding one? I mean, you decided a couple of years after that to move on.

PRICE: It was generally rewarding. I liked building the institution, and I liked engulfing myself in New York, in some elements of New York, and working with the bar association—things that law school deans did, in some ways. None of which were tied very much to communications policy. So the deanship was interesting in a way of creating, I would say, which I find here as well. That one thing I like is working with, helping careers of, individual students, and showing them things that they otherwise didn’t think they could do. I did some of that at UCLA, and I did see some of it at Cardozo. That’s the part I like, maybe the most.

¹¹ Monroe E. Price, *Objects of Remembrance: A Memoir of American Opportunities and Viennese Dreams* (New York: Central European University Press, 2009).

Q: That's an appropriate place to wrap up this session. I think for the fourth session we'll pick up with the institution-building you did post-Cardozo, or at least post-deanship, I should say, in the post-socialist context next time. But thank you so much.

PRICE: OK. Good.

END OF SESSION THREE