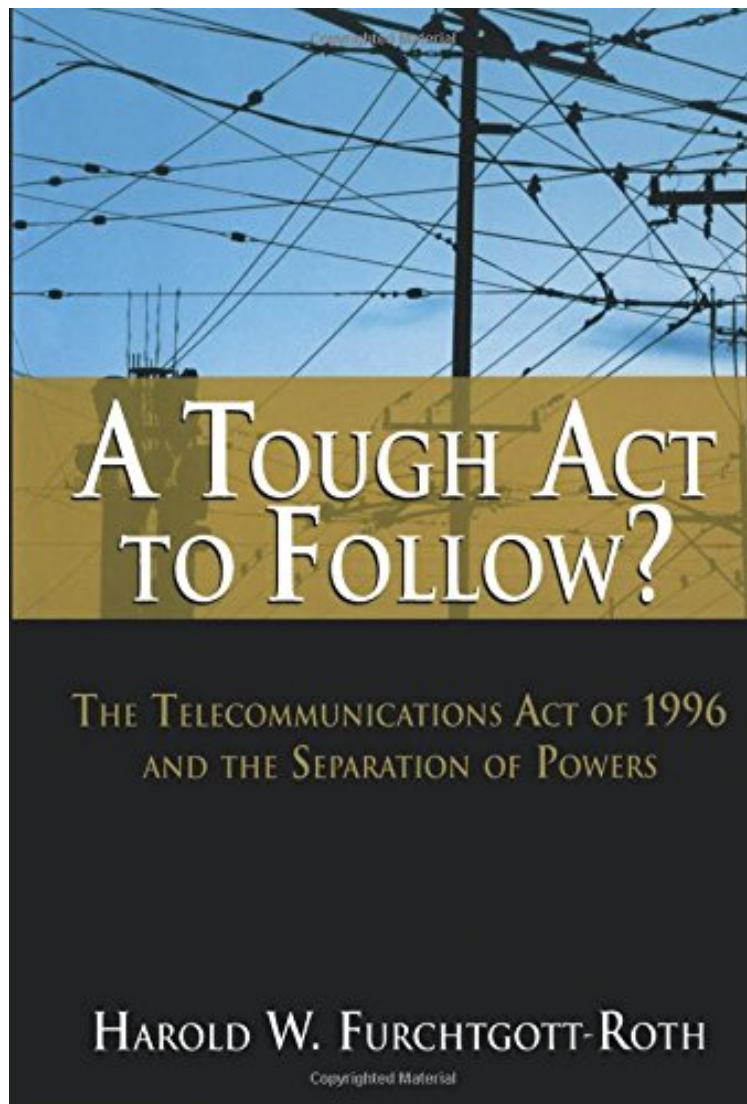


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A Tough Act to Follow?: The Telecommunications Act of 1996 and the Separation of Powers Failure

Harold Furchtgott-Roth

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Harold Furchtgott-Roth : A Tough Act to Follow?: The Telecommunications Act of 1996 and the Separation of Powers Failure before purchasing it in order to gage whether or not it would be worth my time, and all praised A Tough Act to Follow?: The Telecommunications Act of 1996 and the Separation of Powers Failure:

0 of 0 people found the following review helpful. How the Combination of Powers Affects Communications PolicyBy

Cooper "A Tough Act To Follow" is worthwhile read for anyone who is interested in U.S. communications policy. And it's also of interest to public policy generalists as a case study in the separation of powers--or rather, in the combination of powers. In this book, author and former FCC Commissioner Dr. Harold Furchtgott-Roth explains how the basic structure of the FCC as an "independent agency" combining legislative, executive, and judicial functions distorts the processes and policies of the FCC. Furchtgott-Roth also chronicles how key aspects of the 1996 Telecommunications Act have led to agency abuses that anyone who believes in the rule of law should be concerned about. In so doing, the book provides some answers as to how an independent agency often staffed with smart, capable, and professional personnel ends up in recurring political, policymaking, and legal thickets. The author's discussions of FCC merger reviews and FCC "public interest" standards include a handful of horror stories and analysis that remains relevant today. In fact, the FCC's actions in several instances since the book's original publication corroborate its central claims.² of 2 people found the following review helpful. Why an agency with combined powers to legislate, execute, and judge its own rules are bound to poor results

By Craig Matteson

As the Federal Government has expanded its powers and interference in the private economy (for good or ill depending on your point of view), it became clear that not everything Congress was trying to do could be handled in the political process and still get done. So, they created agencies, commissions, and whatever office they felt like creating in order to do the work they did not have the political courage or efficiency to handle. One of those creations, in 1934, was the Federal Communications Commission (the FCC). It is the contention of the author of this book, Harold W. Furchtgott-Roth (FCC commissioner from 1997-2001), that it was the way the FCC was designed, with combined powers to legislate its own rules, execute them, and the judge the outcomes, that has led to the many problems over many decades that led to the attempt to reform the FCC in 1996. He presents clear arguments for his thesis and shows how the FCC got into trouble before 1996 and how the nature of this kind of bureaucracy is to exploit ambiguities in the rules given it by Congress, end up using its power of discretion as a kind of favoritism for or discrimination against constituents for whom their stance should be neutral. If you want to understand how government bureaucracy can lead to poor results even with the best of intentions of very good people, this is an excellent guide. If you want to see what is going on at the FCC and why the popular notions about its failures are not valid, this book makes an excellent case. Obviously, not everyone will agree with the author, but I find his position quite persuasive given my experience with bureaucracies of all types over the years.

The author, who served as one of the five commissioners of the Federal Communications Commission for several years, explains why this and other government agencies that are not set up with separation of powers in mind end up undermining the rule of law.

About the Author HAROLD W. FURCHTGOTT-ROTH is Senior Economist, Economists Incorporated, Washington, D.C., where he has concentrated on economic issues in international trade, telecommunications regulation, taxation, and intellectual property.