

The Secret History of Television

Corporate power, patent law, and lone inventors

Jesse Walker

HERE'S A STORY for you. Inspiration strikes a Mormon farmboy, the improbably named Philo T. Farnsworth, as he plows a potato field in Idaho. Armed with his new insight, he moves to L.A., finds investors and assistants, and on a shoestring invents television. A corporate giant tries to steal his creation, and a long, expensive legal fight ensues. Farnsworth wins the battle but loses the war, successfully defending his claim to the patent but nonetheless watching most of the credit—and most of the profits—accrue to the Radio Corporation of America (RCA) and its self-aggrandizing chief, David Sarnoff. Farnsworth spends his last years chasing the dream of nuclear fusion, then dies poor, depressed, and virtually forgotten.

It's not a bad tale. Drain out the melodrama and sprinkle in some nuance, and you'll find it's actually true. The saga of Philo Farnsworth may have a special resonance in the dot-bust era, as battles rage over intellectual property and corporate turpitude dominates the headlines. Or perhaps it's just a coincidence that two books about Farnsworth have been published this year: Evan Schwartz's *The Last Lone Inventor: A Tale of Genius, Deceit, and the Birth of Television* (HarperCollins) and Daniel Stashower's *The Boy Genius and the Mogul: The Untold Story of Television* (Broadway).

Either way, Farnsworth is re-entering the inventor-hero pantheon. If he hasn't yet attained the stature

of an Edison or a Tesla, he's still better known than, say, Nathan Stubblefield, radio's most forgotten founding father.

Farnsworth has even inspired a small backlash, spearheaded by the contrarian journalist Malcolm Gladwell. Writing in the May 27 *New Yorker*, Gladwell argues that Farnsworth's struggles with Sarnoff "are less straightforward than the clichés of the doomed inventor and the villainous mogul might suggest. Philo Farnsworth's travails make a rather strong case for big corporations, not against them."

Gladwell's argument is clever, accurate in its details, and ultimately silly.

He notes that, as an independent inventor backed with a fairly small stake, Farnsworth could not take advantage of the division of labor available to those on a corporate payroll. He had to be not just a scientist, but a manager, promoter, politician, and more—and the only one of those fields that he excelled at was the science. The result was constant uncertainty and frustration.

Gladwell further emphasizes that television, like other complex inventions, was not created by one man alone. Farnsworth was building on other people's discoveries, just as others built on his. One advantage to big corporations is that they pool the work—and, more important, the patents—of disparate researchers, preventing "legal and commercial gridlock."

What should we make of these arguments? Well, it's true that the advantages of the division of labor should not be lightly dismissed. Yet many small businesses and self-

employed workers simply contract for such services, without becoming a corporate subsidiary or employee. Employment may have its advantages, but so does the alternative. As the leftist historian David Noble notes in his 1977 book *America by Design*, signing on with a big corporation "eliminated the problem of lawsuits, and in addition provided well-equipped laboratories, libraries, and technical assistance for research. The nature of their actual work, however, had changed." Formerly independent inventors had less say in what they would investigate and less room to follow their serendipitous discoveries. Management dictated the agenda.

If Farnsworth was, in Schwartz's exaggerated phrase, "the last lone inventor," it was not because tinkers no longer preferred the freedom of working alone to the security of working for a large organization. It was because the legal environment had changed in a way that made that freedom more precarious.

Which leads us to Gladwell's second argument. As he notes, a horde of competing patent monopolies can create a serious bottleneck. On the other hand, assembling those monopolies in a single spot can do the same thing. General Electric, RCA, and other companies deliberately acquired patents to block competition, an end run around antitrust law that evaded serious judicial scrutiny until mid-century. Noble quotes J.E. Otterson of the Western Electric Company, AT&T's manufacturing subsidiary, who in a 1927 memo outlined Ma Bell's strategy to "maintain an active offensive in the 'no man's land' lying between it and potentially competitive interests...."



Ability to stop the owner of a fundamental and controlling patent from realizing the full fruits of his patent by ownership of necessary second patents may easily put one in position to trade where money alone may be of little battle."

In Noble's words, "Lone inventors could either try to fight for their rights within 'no man's land' or join the dominant forces which occupied the fields around it." Gladwell gives those "dominant forces" credit for being an alternative to the battleground, but he apparently absolves them of blame for creating the war zone in the first place.

Farnsworth is a footnote to history, but the issues his case raises are not. Consider the Texas programmer Evan Brown, who dreamed up a procedure to translate old computer code into new languages and has spent the last six years fighting for the rights to it. Because Brown worked on the idea while DSC Communications was his employer, the company (now owned by the French telecom group Alcatel) claims the rights to it, as per the contract Brown signed when he joined the firm. Brown replies that he first conceived the idea years before he went to work for DSC, that he worked on it during his own time, that it had

no relation to his job at DSC, and, most important, that he didn't write it down until after he left the company's employ.

The ultimate problem may be with the concept that ideas are "things" to be "owned" in the first place. Such a suggestion may be cold comfort to Farnsworth and Brown, but it's positively frightening to RCA and Alcatel.

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Great Stone Face

Charles Paul Freund

QUICK NOW, WHICH is more deplorable: the destruction of mountain-size carvings that are very old, or the creation of giant new sculpture? Just as the Taliban were detonating Afghanistan's ancient Buddhas, spreading worldwide dismay, plans were hatched to carve a 250-foot face of Alexander the Great on a granite outcropping in Greece, spreading considerable alarm.

The Alexander project would create the world's biggest stone face. The brainchild of Greek sculptor Anastasios Papadopoulos, the work is being underwritten by Greek Americans. According to the sculptor's Alexandros Foundation, "the project will respect and conform to the archaeological, historical, and cultural dimensions of Alexander's philosophy," whatever that means. Still, the prospect of such a work—set to begin in November—has horrified environmentalists, archaeologists, politicians, antiquity bureaucrats, and

everyone in Yugoslavian Macedonia who believes Alexander wasn't Greek but Balkan.

A major complaint against the face is that it's kitsch. But outsize works from the Sphinx to Mt. Rushmore have all been more impressive for scale than for grace; even the lamented Buddhas used to be dismissed as merely "grotesque." Scale, like age, emphasizes how elastic the meaning of a work can be, changing for different people at different times. Meaning's never set in stone. ■