
BIBLIOGRAPHY OF RECENT BOOKS IN COMMUNICATIONS LAW

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The following is a selective bibliography of recent books in the field of communications law. Virtually all were published in 1993. Accompanying each item is an annotation describing the contents and focus of the work. Bibliographies and other useful information in appendices are noted.

FREEDOM OF PRESS AND SPEECH

Haiman, Franklyn S. *"Speech Acts" and the First Amendment*. Carbondale, Ill.: Southern Illinois University Press, 1993. 128 p.

Professor Haiman puts quotation marks around the term "speech acts" in the title of this book because his purpose is to "delegitimize" the phrase. He maintains that there is an essential difference between symbolic and nonsymbolic activity and that "the First Amendment is always implicated in the former and only occasionally in the latter." Specific chapters address hate speech and crime, sexist speech, and fighting words. There is no bibliography, but notes to sources are included at the back of the volume. Haiman's arguments present a counterpoint to Catharine MacKinnon's in her *Only Words*, *infra*.

Jernow, Allison Liu. *'Don't Force Us to Lie': The Struggle of Chinese Journalists in the Reform Era*. New York: Committee to Protect Journalists, 1993.

This report sponsored by the Committee to Protect Journalists examines the changes in the Chinese press during the 1980s and the crackdown on the press following the uprising of 1989. The author looks at press freedom in Hong Kong and assesses its fate when Chinese rule comes in 1997. Appendix 1 provides a list of Chinese journalists imprisoned or disciplined since 1989. Appendix 2 provides a directory of major Chinese newspapers, magazines, and

wire services. Dan Rather contributes a foreword to this report.

London, Martin and Barbara Dill. *At What Price? Libel Law and Freedom of the Press*. New York: Twentieth Century Fund, 1993. 78 p.

This book is the newest addition to the Twentieth Century Fund's series *Perspectives on the News*. This slim volume is a collection of two lengthy essays by distinguished attorneys involved in libel litigation. Martin London, a libel expert and partner in the New York law firm of Paul, Weiss, Rifkind, Wharton & Garrison, entitled his essay *The "Muzzled Media": Constitutional Crisis or Product Liability Scam*. He argues that the media already enjoys too much immunity from liability for libel and invasion of privacy. Barbara Dill, the author of *The Journalist's Handbook on Libel and Privacy*, discusses the current problems of libel litigation and examines several alternatives for reform of the system.

MacKinnon, Catharine A. *Only Words*. Cambridge, Mass.: Harvard University Press, 1993. 152 p.

The three essays in this short book present MacKinnon's controversial and powerful criticism of First Amendment protection of pornography. MacKinnon argues that words are not "only words," but that they are inextricably linked to the actions which they portray. Thus pornography is not protected speech, but a form of sexual violation or discrimination against women. Franklyn Haiman's book, *"Speech Acts" and the First Amendment*, *supra*, presents a view contrary to MacKinnon's as expressed in *Only Words*.

Matsuda, Mari J., Charles R. Lawrence III, Richard Delgado and Kimberle W. Crenshaw. *Words That Wound: Critical Race Theory, Assaultive Speech, and the First Amendment*. Boulder, Colo.: Westview Press, 1993. 160 p.

This collection of essays argues the case for the regulation of racially-motivated abusive speech. The four contributors describe themselves as "outsider law teachers . . . at the margins of institutions dominated by white men." The authors share the perspective of critical race theory, a radical approach to legal analysis the genesis of which the authors trace to the ferment at Harvard in the early 1980s surrounding the efforts to increase minority faculty at that institution. When Harvard did not hire a minority faculty member to replace Professor Derrick Bell in his "Race, Racism and American Law" course, an alternative course was organized. The four contributors to this volume were all involved with that alternative course, either as students or as guest lecturers. While the authors insist that critical race theory "cannot be understood as an abstract set of ideas or principles," the introduction does provide an enumeration of its "defining elements." Individual chapters focus on hate speech on campus, black feminism and misogynistic speech, and tort actions for racially-motivated insults. This volume provides a bibliography of articles and books dealing with the issue and is published as part of Westview Press's series *New Perspectives on Law, Culture, and Society*.

Zelezny, John D. *Communications Law: Liberties, Restraints, and the Modern Media*. Belmont, Calif.: Wadsworth Publishing Co., 1993. 540 p.

This textbook on communications law is a new addition to the publisher's *Wadsworth Series in Mass Communications and Journalism*. It focuses primarily on issues regarding content of expression in communications media. There are individual chapters on libel, obscenity, privacy, and commercial speech. In addition, several chapters address media access to the judicial system and intellectual property issues. Each chapter contains an abridged excerpt from a significant judicial opinion, which serves as a focal point for the discussion. The book is designed with the communications professional in mind; it contains a minimum of scholarly annotation and is purposely informal in its narrative style.

MASS MEDIA

Barendt, Eric. *Broadcasting Law*. New York: Oxford University Press, 1993. 249 p.

This book compares broadcast regulation in five countries: Britain, France, Germany, Italy, and the United States. It starts with an examination of the law in the United Kingdom and compares it with practices in the other countries. The chapters are not arranged by country, but rather by topic. Various chapters address issues of broadcasting freedom, public and private broadcasting, program content, competition law, media access, political broadcasting, and advertising. The initial chapter discusses the historical and constitutional backgrounds of the countries studied in an effort to shed light on the differences in broadcast practices addressed in the later chapters. The final chapter briefly addresses broadcasting in international law and the European Economic Community. A selective bibliography is included, as well as a table of statutes and decisions from the various jurisdictions.

Barendt, Eric, editor. *Media Law*. Aldershot, England: Dartmouth, 1993. 500 p.

Despite its British origin, *Media Law* consists almost entirely of articles reprinted from United States law journals. Eric Barendt's collection is published as part of the publisher's series, *The International Library of Essays in Law and Legal Theory*. The essays collected deal with freedom of the press, the regulation of broadcasting and other media, defamation, and the media in the courtroom.

Chlupach, Robin Ann. *Airwaves Over Alaska: Story of Pioneer Broadcaster Augie Hiebert*. Issaquah, Wash., Sammamish Press, 1993. 226 p.

This biography of Alaskan telecommunications pioneer, Augie Hiebert, is written by his daughter and contains an introduction by Walter Cronkite. Mr. Hiebert was responsible for the establishment of the first commercial television stations in Anchorage and Fairbanks and Alaska's first FM radio station. A recurring theme in the book is the relationship between the growth of the Alaskan communications in-

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frastructure and the development of a sense of community across the state. As chairman of the Alaska Telecommunications Advisory Committee, Mr. Hiebert was a strong advocate for the creation of a state telecommunications policy as an instrument for uniting all Alaskans. He spearheaded the implementation of satellite communications and the development of low-power television for broadcasting to remote areas. This abstract was provided by Leon T. Knauer and Carolyn W. Malanga of Wilkinson, Barker, Knauer & Quinn.

Creech, Kenneth C. *Electronic Media Law and Regulation*. Boston: Focal Press, 1993. 404 p.

This introductory text for the student or communications professional covers the full gamut of issues affecting electronic media, including commercial and educational broadcasting, cable, music copyright, defamation, and free trial/free press. The author sets the stage in the first chapter by providing an overview of the legal system and outlining the various legal entities that influence the development of the law in this area. His presentation of the various chapters is built around identifying and excerpting legal documents—cases, statutes, FCC decisions and orders—which establish the regulatory framework currently in effect. The author explains the excerpts and places them in the legal and historical framework necessary to fully understand them. Each chapter concludes with many references to both primary and secondary sources. The appendices contain sample regulatory forms and a bibliography.

McChesney, Robert W. *Telecommunications, Mass Media, and Democracy: The Battle for Control of U.S. Broadcasting, 1928-1935*. New York: Oxford University Press, 1993. 393 p.

This historical study focuses on the long-overlooked pre-history of the Communications Act of 1934. The author centers his study on the public and political debate over the essential structure of radio broadcasting between the passage of the original temporary Radio Act of 1927 and permanent structure embodied in the Communications Act. He describes in detail an array of reformers—labor unions, civic and educational organizations—which opposed network-dominated commercial radio. Chapter Eight provides a detailed look at the actual passage of the Communications Act. Extensive notes and a substantial bibliography complete this study.

Middleton, Kent R. and Bill F. Chamberlin. *The Law of Public Communication. Third edition*. New York: Longman, 1993. 704 p.

This is the third edition of a communications textbook originally published in 1988. It focuses on a wide range of issues regarding how the law regulates the content of public communication, both print and broadcast. The appendices contain a brief description of the legal research process and a glossary of terms.

TELECOMMUNICATIONS

Bernt, Phyllis W. and Martin B. H. Weiss. *International Telecommunications*. Carmel, Ind.: Sams Publishing, 1993. 466 p.

This book is designed as an introductory text to international telecommunications. The authors provide chapters on regulatory, economic, organizational, and technical issues. Chapter Six provides an "assessment methodology" to guide professionals in "structur[ing] information about telecommunications in a foreign country." Several case studies are provided to illustrate in practice the issues discussed earlier in the book. The appendices provide a glossary, sample forms, and a bibliography.

Jussawalla, Meheroo, editor. *Global Telecommunications Policies: The Challenge of Change*. Westport, Conn.: Greenwood Press, 1993. 274 p.

This collection of essays addresses telecommunications policy issues in all major countries and regions. The collection begins with Henry Geller's piece on the FCC's role in United States telecommunications policy. There are three essays on European countries and Asia. Additional essays address Canada, Australia, Africa, and Latin America. There are references at the end of each essay and a selected bibliography at the end of the book.

Jussawalla, Meheroo editor. *United States-Japan Trade in Telecommunications: Conflict and Compromise*. Westport, Conn.: Greenwood Press, 1993. 190 p.

This book, part of the publisher's series *Contributions in Economics and Economic History*, is a compilation of nine essays. Individual essays address domestic telecommunications policies in both the

United States and Japan, sociocultural and political factors in trade conflict, and telecommunications issues in GATT negotiations. Bibliographic references are provided at the end of each essay. The editor's introduction and the first essay (written by the editor and Barbara Ross-Pfeiffer) provide an overview of the issues, policies, and economic background of the tensions between the countries in telecommunication trade.

Leanza, Umberto. *The Future of International Telecommunications: The Legal Regime of Telecommunications by Geostationary-Orbit Satellite*. Dobbs Ferry, N.Y.: Oceana Publications, 1993. 2,890 p.

This four volume set is a comprehensive collection of documents dealing with legal issues of satellite telecommunications. It contains the texts of international documents, such as United Nations conventions and international treaties, as well as legislation, proposals, and resolutions of individual nations and intergovernmental organizations. A "systematic bibliography" is located in Volume 4. The bibliography is huge, over 200 pages in length. This bibliography, which covers items published through 1990, presents an exhaustive listing of publications dealing with the law of satellite communications and related areas. An extensive table of contents listing all the documents collected in the work and a chronological index are also located in Volume 4.

Mosteshar, Sa'id. *European Community Telecommunications Regulation*. London and Boston: Graham & Trotman/Kluwer Academic, 1993. 225 p.

This new contribution to the publisher's *European Business Law & Practice Series* seeks to present a thorough examination of European Economic Community regulation of the telecommunications industry. To accomplish this goal, the author includes extensive appendices, which contain the text of EEC Council directives, decisions, recommendations, and other relevant documents concerning telecommunications. These appendices comprise fully one-half of the book and are compiled chronologically by the date of issuance. The first half of the book provides Mosteshar's analysis of these documents, which serves to provide the technical and legal context necessary to understand these documents and their implications.

Wellenius, Bjorn, et al. *Telecommunications: World Bank Experience and Strategy*. Washington, D.C.: World Bank, 1993. 36 p.

Telecommunications is Report 192 of the series *World Bank Discussion Papers*. It attempts to outline the Bank's "approach to telecommunications policy and operations." It does not deal with telecommunications development in specific regions nor with manufacturing; rather it seeks to highlight key policy issues and explore the implications for World Bank policies and operations. Sections of the report examine past World Bank involvement in telecommunications development as well as look forward to how that role may change in the future.