

BIBLIOGRAPHY OF RECENT BOOKS IN COMMUNICATIONS LAW

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The following is a selective bibliography of recent books in communications law and related fields. All were published in late 1998 or 1999. Accompanying each item is an annotation describing the contents and focus of the work. Bibliographies and other useful information in appendixes are noted.

FREEDOM OF PRESS AND SPEECH

DELIBERATE INTENT: A LAWYER TELLS THE TRUE STORY OF MURDER BY THE BOOK Rod Smolla. New York: Crown Publishers, 1999. 276 p.

Rod Smolla tells the story of a 1993 multiple murder in Montgomery County Maryland and the civil litigation it spawned, in which he became a participant. In 1983, Paladin Press published *Hit Man*, a manual for carrying out a contract murder, which the hired murderer in the 1993 killings used extensively to plan and execute his crimes. Smolla became part of the plaintiff's legal team in an action for civil damages against the publisher of the murder-for-hire manual. The book not only chronicles the progress of the civil action, but also the author's personal reassessment of First Amendment protections.

FREE SPEECH IN THE GOOD WAR Richard W. Steele. New York: St. Martin's, 1999. 309 p.

Steele's account documents the fate of free speech, dissent, and civil liberties during World War II. His introduction provides a brief history of the suppression of free speech during World War I. While the author recognizes the efforts to reduce dissent during World War II did not approach the draconian measures employed during the Great War, he does suggest that governmental

actions to deal with dissent during World War II had a substantial effect on the development of free speech in the post-war era. The focus of the book is the actions and policies of the officials at the Department of Justice. The book's fourteen chapters are divided into three groups. Each subdivision provides several chapters discussing the three attorneys-general who served as the head of the Department of Justice during the war: Frank Murphy (1939), Robert H. Jackson (1940-41), and Frances Biddle (1941-1945). Extensive endnote references are provided.

IRREPARABLE HARM: A FIRSTHAND ACCOUNT OF HOW ONE AGENT TOOK ON THE CIA IN AN EPIC BATTLE OVER SECRECY AND FREE SPEECH Frank Snapp. New York: Random House, 1999.

While a CIA agent, Frank Snapp was one of the last Americans helicoptered out of Vietnam when Saigon fell in 1975. In 1977 he authored *Decent Interval*, an account of the chaotic events he witnessed and the failures of the CIA and the State Department that left behind thousands of Vietnamese loyal to the United States. Snapp did not submit his manuscript to CIA censors before publication, despite a secrecy agreement that he had signed when he joined the agency requiring pre-publication review of any writings by current or former agents. *Irreparable Harm* chronicles the legal problems begun by Snapp's decision to bypass CIA scrutiny. It follows his legal troubles from the U.S. District Court in Alexandria, Virginia, the Fourth Circuit, and finally the United States Supreme Court. Ultimately Snapp was required to surrender all profits from the sale of the book. In *Irreparable Harm* Snapp reflects on the

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past twenty years, the personal costs of his actions, and the effects of the litigation.

WAR AND PRESS FREEDOM: THE PROBLEM OF PREROGATIVE POWER Jeffrey A. Smith. New York: Oxford University Press, 1999. 324 p.

Smith's book seeks to provide an overview of the historical struggle of the press and governmental power during wartime. The author's strong views on the subject contend that it is the First Amendment that suffers the most when the nation is engaged in armed conflict. Part One, the book's first three chapters, examines the constitutional foundations of the First Amendment. The four chapters that comprise Part Two examine the institutionalization of restraint on First Amendment rights in conflicts from the American Revolution through the Gulf War. Part Three focuses on the role of the media and the deleterious effects of secrecy in a democratic society. The book includes 90 pages of references.

WHEN THE NAZIS CAME TO SKOKIE: FREEDOM FOR SPEECH WE HATE Phillipa Strum. Lawrence: University of Kansas Press, 1999. 172 p.

Strum's book tells the legal and human story of efforts of a neo-Nazi organization to hold demonstrations in Skokie, an Illinois town of 70,000 with a large number of Holocaust survivors among its citizens. The author examines the legal issues—prior restraints, hate speech, critical race theory—while chronicling the legal efforts of city of Skokie and the National Socialist Party of America. Of particular interest to the author were the efforts of the ACLU and the enormous difficulties that this unpopular case caused the organization. A chronology of the events involved and a bibliographical essay of primary and secondary sources is included.

MASS MEDIA

BROADCASTING FREEDOM: RADIO, WAR, AND THE POLITICS OF RACE, 1938–1948 Chapel Hill, University of North Carolina Press, 1999. 391 p.

Broadcasting Freedom explores the role of national radio during the World War II period on the growing activism of African Americans. This latest addition to the publisher's *John Hope Franklin Series in African American History and Culture*

maintains that radio was a major influence on ideologies and policies that were "necessary precursors to the modern civil rights movement." The first three chapters discuss specific programming produced by the federal government on the "race question." Chapter four addresses the activities of the National Urban League as a radio voice for African Americans. Chapter five discusses race as a national issue on the popular public affairs programs *America's Town Meeting of the Air* and the *University of Chicago Round Table*. The final chapter looks at race as a political issue on local programming in New York and Chicago. The appendixes contain a list of the radio programs discussed in the text, endnotes, and a bibliography.

BROADCASTING REFORM IN INDIA: MEDIA LAW FROM A GLOBAL PERSPECTIVE Monroe E. Price and Stefaan G. Verhulst, editors. London: Oxford University Press, 1998. 377 p.

The most recent addition to the publisher's *Law in India* series, *Broadcasting Reform* is a collection of ten essays prompted by the Broadcasting Bill of 1997, the first comprehensive broadcast legislation since the original Indian Telegraphy Act of 1895. The first three articles provide background by tracing the history and trends of Indian broadcasting reform. The remaining articles examine Indian reform in the context of comparative media law, particularly British law. Among the topics addressed in the articles are sports broadcasting, auctioning, the structure of Indian broadcasting regulation, and human rights issues. Nearly one-half of the book consists of appendixes of documentary materials. They include the text of the Broadcasting Bill of 1997, selections from the 1950 Constitution of India, various government studies and position papers, and a bibliography.

CONTROVERSIES IN MEDIA ETHICS, Second edition A. David Gordon and John Michael Kitross. New York: Longman, 1999. 316 p.

This text examines contemporary issues in media conduct. Commentator John C. Merrill provides an overview of ethical theory in the book's first chapter and sets the stage for the discussions which follow. Each chapter poses an issue of media ethics and presents a point-counterpoint analysis from differing viewpoints. The two main authors generally make these arguments, although

some of them are written by Carol Reuss. Generally these presentations approach their subject by what Merrill describes as the "two ethical megaphases" of communitarian and libertarianism. After each perspective is explored, Merrill provides a commentary on the differing views that were presented. A bibliography is included.

COVERING THE COURTS: A HANDBOOK FOR JOURNALISTS S. L. Alexander. Lanham, Md.: University Press of America, 1999. 181 p.

While the primary focus of this guide is on the criminal trial, chapter four provides a primer on civil procedure at both the state and federal level and chapter eight explores journalistic coverage of the civil case. Chapters five through seven examines the criminal case from a journalistic perspective in its pre-trial, trial, and post-trial phases. Issues such as access to records, grand jury proceedings, hearings, sentencing, and appeals are addressed. There are separate chapters on cameras in the courtroom and working with lawyers and court personnel. The appendixes contain selections from source documents that deal with the interaction of journalists and the courts. A glossary and extensive bibliography is also included.

DECIDING WHAT WE WATCH: TASTE, DECENCY, AND MEDIA ETHICS IN THE UK AND USA Colin Shaw. New York: Oxford University Press, 1999. 184 p.

Shaw's study examines broadcasting content regulation in the United States and Great Britain. "Starting Places," the book's first chapter, compares the societal differences of the two countries and the broadcasting culture which emerged in each. Particular focus is directed to the traditions of free expression in each country and the societal attitude toward commerce. The second chapter addresses the development of industry regulation in each country. Other chapters concern the differing approaches to decency and taste, sexuality, obscenity, children's programming, news and reality-based programming.

HIGH-DEFINITION TELEVISION: A GLOBAL PERSPECTIVE. Michel Dupagne and Peter B. Seel. Ames: Iowa State University Press, 1998. 372 p.

Dupagne and Seel's book examines HDTV as a

case study in the evolution of a new international telecommunication technology. The introductory two chapters outline the economic, political, and technological issues raised by HDTV standardization. Chapter three examines the development of HDTV in Japan; chapter four focuses on the European Union. Chapters five through seven concentrate on HDTV policymaking in the United States. The book's final two chapters discuss the underlying economic issues and the integration of national or regional models into a truly global system. An extensive bibliography of references is included.

LISTENING IN: RADIO AND THE AMERICAN IMAGINATION, FROM AMOS 'N' ANDY AND EDWARD R. MURROW TO WOLFMAN JACK AND HOWARD STERN. Susan J. Douglas. New York: Random House, 1999. 415 p.

The author describes *Listening In* as "an overview of radio's nearly hundred-year history." It is a not, however, a history in the usual sense. It is not a history of radio technology, nor a chronicle of radio programming. The essays that comprise the book examine the listening experience and the differing ways in which America has interacted with radio in this century. There are chapters on the exploratory character of early radio listening in the 1920s, the rise of broadcast journalism during World War II, the exposure of the nation to jazz musical forms, and the experience of radio comedy and sports broadcasting. There are three chapters devoted to radio after the advent of television; they examine the rise of Rock 'n' Roll, FM broadcasting and talk radio. There is a final chapter on the interactive experience of ham radio.

MAGAZINE LAW: A PRACTICAL GUIDE. Peter Mason and Derrick Smith. London: Routledge, 1998. 194 p.

As the title states, *Magazine Law* is a practical guidebook for writers, photographers, and editors in the magazine industry. Produced as a training tool by the Periodicals Training Council, its focuses exclusively on legal issues in Great Britain. The first chapter provides an outline of the English criminal and civil legal system. There are several chapters on the content of defamation and how to avoid or defend it. Additional chapters include the treatment of privilege, opinion journal-

ism, copyright, privacy, and journalistic ethics. The extensive appendixes contain several relevant codes of conduct and sets of practical hypothetical questions about legal issues.

MANAGING THE PRESS: ORIGINS OF THE MEDIA PRESIDENCY, 1897-1933. Stephen Ponder. New York: St. Martin's Press, 1998. 233 p.

The relationship of presidential politics and the media since Franklin Roosevelt has been the subject of much study. Stephen Ponder explores the much less familiar ground of the presidency and the press during the seven administrations from McKinley through Hoover. Theodore Roosevelt, Taft, Wilson and Hoover all are given two chapters. Chapter three discusses the establishment of the first governmental press bureau during the Theodore Roosevelt administration. The two chapters devoted to Woodrow Wilson give significant attention to propaganda and censorship efforts arising from the country's involvement in World War I. The failures of the Taft and Hoover administrations to deal successfully with the press are examined. Endnotes and a selective bibliography are included.

PRIME TIME LAW: FICTIONAL TELEVISION AS LEGAL NARRATIVE. Edited by Robert M. Jarvis and Paul R. Joseph. Durham, North Carolina: Carolina Academic Press, 1998. 323 p.

Prime Time Law is a collection of essays on the portrayal of lawyers and legal issues in a wide variety of television series. The first eleven chapters each focus on a specific major television series from "The Defenders" through "Rumpole of the Bailey." Chapters twelve through seventeen examine different settings of legal programming, *i.e.*, westerns, women lawyers, situation comedies, soap operas, young lawyers and science fiction. Of the eighteen contributors, twelve are law professors and the remaining six are professors of English, communications, history, or political science. Endnotes of sources cited in each chapter are provided.

RAISED ON RADIO. Gerald Nachman. New York: Pantheon Books, 1999. 535 p.

In his introduction, Nachman attributes the genesis of his book to the lasting and still-vivid impressions that the radio programs of the 1940s

and early 1950s made on him. *Raised on Radio* has a personal quality to it. In part it is an attempt by media critic Nachman to recapture and reexamine those memories. It makes no attempt to be an encyclopedia of old-time radio. Despite its personal focus and tone, Nachman approaches his subject as a journalist. He interviewed many of the actors, writers, producers and directors who worked radio before the advent of television. He collects and retells loads of anecdotes that not only tell the story of old-time radio, but recreate its look and feel. There is a short bibliography and many photographs are included.

TELEVISION AND THE NEW MEDIA AUDIENCES Ellen Seiter. New York: Oxford University Press, 1999. 154 p.

This new addition to the publisher's Oxford Television Studies presents a series of empirical case studies exploring the interaction of television and its audience in both the family and the classroom. The first two chapters provide a review of the literature of television audience research and the elements of good study design. Chapters three through five examine case studies of the experiences of particular groups with media: parents of young children, teachers and care-givers, and fundamentalist Christians. Chapter six studies dynamics of computer use as an additional media component. A bibliography is included.

TELEVISION NEWS AND THE SUPREME COURT: ALL THE NEWS THAT'S FIT TO AIR? Elliot E. Slotnick and Jennifer A. Segal. New York: Cambridge University Press, 1998. 264 p.

Slotnick and Segal's book takes a close look at aspects of television coverage of the nation's highest court. The first three chapters focus on the opportunities and constraints of reporting on the Court and is drawn primarily from interviews with journalists who have covered the Supreme Court beat for a number of years. Chapter four takes a micro view by providing case studies of the television coverage of two controversial decisions: *Bakke* (reverse discrimination) and *Webster* (abortion rights). Chapter five expands the focus of the study by looking at television coverage in different Supreme Court terms, 1989 and 1994. The remaining chapters discuss how the Court itself and television journalism interact in defining which

cases receive the largest share of television coverage. Endnotes and a bibliography of references is included.

TELEVISION VIOLENCE AND PUBLIC POLICY

James T. Hamilton, editor. Ann Arbor: University of Michigan Press, 1998. 394 p.

This volume is a collection of papers presented at the Duke Conference on Media Violence and Public Policy in 1996. Chapters two through five, titled "Content Analysis of Entertainment Television," address the issues of defining and measuring television violence. Chapter six focuses on violence in reality-based programming. Additional chapters examine the implications of a rating system and its impact on advertisers, concerted mass media anti-violence campaigns and television violence as an issue in the newspaper coverage. The final chapter addresses the constitutionality of the V-Chip rating system. Endnote references are provided.

THE WOMEN WHO WROTE THE WAR

Nancy Caldwell Sorel. New York: Arcade Publishing, 1999. 459 p.

The Women Who Wrote the War tells the largely untold story of the women correspondents who covered World War II. As Nancy Caldwell Sorel recounts in her prologue, more than 60 women were employed as war correspondents by newspapers, magazines, wire services, and radio networks. *Life's* Margaret Bourke-White and *Collier's* Martha Gellhorn (at the time the wife of Ernest Hemingway) were the most well-known of the group and their stories receive significant treatment in the book. However, Sorel also focuses on the many women reporters who were not household names, and tells the story of their contribution to wartime journalism. Much of the information in the book is derived from the author's personal interviews with the women who are featured in the book. There are many photographs included and a short bibliography.

TELECOMMUNICATIONS

COMMUNICATIONS POLICY AND THE PUBLIC INTEREST: THE TELECOMMUNICATIONS ACT OF 1996.

Patricia Aufderheide. New York: Guilford Press, 1999. 322 p.

Communications Policy, a new volume in the

Guilford Communications Series, examines the public interest themes of "equity, access, and public accountability" embodied in the 1996 Telecom Act, its legislative pre-history, and its implementation since its enactment. Chapters one and two provide a broad background of the telecommunication environment and a narrative of the legislative path taken by the Act. Chapter three provides an overview of the Act and a summary of the sections with public interest implications. The final two chapters examine what has actually happened since the passage of the Act and the author's assessment of potential future developments. The book contains extensive appendixes. Among the documents included are: an abridged text of the 1996 Telecommunications Act, the U.S. Supreme Court decision of *Reno v. ACLU* (on the constitutionality of the Communications Decency Act), position papers on regulation and the public interest from selected interest groups and communications scholars, and speeches by present and past FCC chairmen. There is also a section of "bibliographic resources" which include a bibliography of books, an annotated guide to books and articles providing analysis of the 1996 Act, and a directory of media-related organizations and interest groups.

THE CYBER-POSTURE OF THE NATIONAL INFORMATION INFRASTRUCTURE.

Willis H. Ware. Santa Monica, Calif.: Rand, 1998. 37 p.

Cyber-Posture is a report by the Critical Technologies Institute on the vulnerability of the National Information Infrastructure to the threat of disruption or external attack. The Institute is managed by the Rand Corporation. It characterizes its study as an "adjunct document" to the 1997 Report of the President's Commission on Critical Infrastructure Protection. Separate chapters provide the background and history of the study, assess the nature of the problem, set priorities and describe the key elements that must be considered in working toward a solution.

ELECTRONIC MEDIA AND INDUSTRIALIZED NATIONS: A COMPARATIVE STUDY.

Donald R. Browne. Ames: Iowa State University Press, 1999. 561 p.

Browne's study provides a detailed examination of electronic media in France, the Netherlands, Germany, the Soviet Union, and the Russian Fed-

eration. He introduces each country with a discussion of its geography, demography, economy, and its cultural and political systems and institutions. Each chapter contains a brief history of the development of media in that country. Additional topics covered are the financing of electronic media, governmental regulation and administration, and programming. The author further examines the relationship of electronic and print media in each country, as well as the prospects for international cooperation. Endnotes and a bibliography are included.

THE INTERNET CHALLENGE TO TELEVISION

Bruce M. Owen. Cambridge: Harvard University Press, 1999. 373 p.

Part I provides an introduction to basic concepts of media technology. Chapters three through eight cover the development and regulation of the analog media, particularly broadcast radio and television, cable, and early direct broadcast satellites. Part III contains chapters on digital media, networks, and the Internet. The final chapters address future digital media, including direct satellite digital transmission, wireless cable, digital television, and video on the Web. The appendices contain a glossary of terms and an extensive bibliography.

THE LAW AND REGULATION OF TELECOMMUNICATIONS CARRIERS Henk Brands and Evan T. Leo. Boston: Artech House, 1999. 735 p.

Law and Regulation is designed as a casebook for an upper division law school course in common carrier regulation. Although it contains the text of highly edited versions of court and FCC documents, there is also a substantial amount of commentary provided by the authors. Individual chapters treat common carriage, rate regulation, universal service, competition, and international telecommunications. Each unit within a chapter is followed a list of "notes and question" that further explore the issues raised by the subject matter. The appendices contain the text of the Communication Act, citations to cases and FCC documents referred to in the text, and a glossary of terms.

THE MAKING OF TELECOMMUNICATIONS POLICY Dick W. Olufs III. Boulder, Colo.: Lynne Rienner Publishers, 1999. 213 p.

Oluf's book is the most recent addition to the publisher's *Explorations in Public Policy* series. It attempts to study telecommunication legislation as an exemplar of policymaking in the United States. Chapters two and three trace the history of telecommunications legislation since the invention of the telephone through the 1996 Telecommunications Act. Chapter four discusses the emergence of deregulation as the dominant component of contemporary policymaking. The book's final two chapters look at the aftermath of the 1996 Act and the models of policymaking that it embodies. Endnotes and an extensive bibliography are included.

MODERN COMMUNICATION LAW Practitioner's Edition. Harvey L. Zuckman, Robert L. Corn-Revere, Robert M. Frieden, and Charles H. Kennedy. St. Paul, Minnesota: West Group, 1999. 3 volumes.

Modern Communications Law is described by its authors as an attempt to present the "first comprehensive law treatise of the Information Age." The full *Practitioners Edition* consists of three volumes. Volume one concentrates on the First Amendment with individual chapters on commercial speech, privacy, defamation, obscenity, and the impact of the new communications technologies. The first two chapters of volume two deal with the issues of fair trial and free press and the rights, responsibilities, and privileges of journalists. The remainder of the volume focuses on telecommunications with individual chapters on the 1996 Telecommunications Act, the FCC, computer communications, and common carriers. Volume three presents an analysis of cable, broadcast regulation, spectrum management, and international telecommunications. The text of the discussion is accompanied by extensive footnotes. Tables of cases and authorities and a glossary are provided in the appendixes. Provision has been made for future pocket part supplementation.

MODERN COMMUNICATION LAW, Student Edition Harvey L. Zuckman, Robert L. Corn-Revere, Robert M. Frieden, and Charles H. Kennedy. St. Paul, Minnesota: West Group, 1999. 1409 p.

This student edition is a one volume abridgement of the full three volume treatise *Modern Communication Law*. The table of contents from the

full set is reprinted in the student edition and the omitted chapters and subchapters are clearly indicated. The chapters on the management of the radio spectrum and international telecommunications have been completely omitted in the student edition. A topical index, a table of cases and statutes, and a glossary are included. Provision has been made for future pocket part supplementation.

REGULATION UNDER INCREASING COMPETITION Michael A. Crew, editor. Boston: Kluwer Academic Publishers, 1999. 182 p.

This book, a new addition to the publisher's Topics in Regulatory Economics and Policy Series, is a collection of papers presented at two seminars held at Rutgers University in 1997 and 1998. The individual papers address economic and regulatory issues common to all regulated industries. Five of the nine contributions focus specifically on the telecommunications industry. Individual papers address issues in competitive entry, leveraging, competition, price structure and stranded costs in the current regulatory environment. Endnote references accompany each paper.

STATE UNIVERSAL FUNDING AND POLICY: AN OVERVIEW AND SURVEY Edwin A. Rosenberg and John D. Wilhelm. Columbus, Ohio: National Regulatory Research Institute, 1998. 84 p.

The introductory three chapters discuss the concept of universal service and the requirements established by the 1996 Telecommunications Act. Chapter four is the heart of the study. It presents the results of the Institute's 1998 fifty-state survey of the actions taken by the state commissions with regard to funding universal service since the passage of the Telecommunications Act. The final chapters summarize the survey and raise issues for the future of universal service.

TAXATION BY TELECOMMUNICATIONS REGULATION: THE ECONOMICS OF THE E-RATE Jerry Hausman. Washington, D.C.: AEI Press, 1998. 39 p.

Taxation by Telecommunications Regulation is a new addition to the AEI's series Studies in Tele-

communications Deregulation. It examines the economic aspects of the cross-subsidies embedded in the universal service provisions of the 1996 Telecommunications Act. The author argues that these policies have effectively changed the FCC into the role of tax collector. He further maintains the e-rate is an inefficient and wasteful policy vehicle. The appendices include economic model equations, endnotes, and a bibliography of references.

THE TELECOMMUNICATIONS GUIDE TO THE INTERNET Jeffrey K MacKie-Mason and Christopher Lee. Rockville, Maryland: Government Institutes, 1999. 241 p.

The *Telecommunications Guide* is an extensive directory of websites useful for the telecommunications professional. Each entry follows the same format. It includes the URL for each site, a description of its content, and notation of any special features. The first two chapters discuss the proper use of the directory and give necessary background information. Chapter three lists telecom entities and groups and organizes the entries into a series of more specific sub-categories. Chapter four provides the same information for technology sites; Chapter five includes regulatory and policy sites. The remaining three chapters list newsgroups, mailing lists and miscellaneous sites of interest. An alphabetical index is included.

TRUST IN CYBERSPACE Fred B. Schneider, editor. Washington, D.C.: National Academy Press, 1999. 331 p.

Trust in Cyberspace is a report of the National Research Council's Committee on Information Systems Trustworthiness. It presents an agenda for further research into the trustworthiness of all networked information systems. There are separate chapters on public telephone networks, the Internet, network software, security, and cryptography. Each chapter ends with a series of findings and voluminous bibliographic references. The final chapter presents the committee's conclusions and recommendations for further research. The appendices contain additional information on available technology and a glossary of terms.

