
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 1999 or early 2000. 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

FREE EXPRESSION IN THE AGE OF THE INTERNET: SOCIAL AND LEGAL BOUNDARIES Jeremy H. Lipschultz. Boulder, Colo: Westview Press, 2000. 331 p.

The author's purpose is to examine free expression in a broad social, cultural and legal context in light of today's dramatic technological changes. The book has chapters on traditional legal thought on free expression, social theory approaches to free expression, and broadcast and print models of free expression. Privacy, property and commercial rights, and international issues also are addressed. The book contains many illustrations and tables. Each chapter ends with a summary of its content and a list of questions for discussion. The book concludes with a glossary and extensive bibliography.

LIBERATING CYBERSPACE: CIVIL LIBERTIES, HUMAN RIGHTS AND THE INTERNET London: Pluto Press, 1999. 290 p.

Liberating Cyberspace, a publication of the National Council for Civil Liberties, is a collection of essays on issues of civil liberties and human rights raised by the growth of the internet. The first

seven essays are described in the book's preface as dealing with policy; they include articles on freedom of expression, access to government information, privacy, copyright and internet content regulation in Europe. The second group of essays (described as dealing with practice) is a series of case studies examining the internet's potential for political participation; and dealing with issues of hate speech, gender, libel and human rights.

SACK ON DEFAMATION: LIBEL, SLANDER, AND RELATED PROBLEMS Third ed. New York: Practising Law Institute Press, 1999. 2 looseleaf volumes.

Sack on Defamation is the third edition of this standard treatise. Defamation is a growing area of the law, a fact evidenced by the growth of the 700-page first edition (1980) into the two-volume looseleaf of the current edition. The core of the treatise lies in the first eleven chapters, which cover the major issues of defamation law, including the elements of the cause of action, standards of conduct, privilege, retraction and damages. Chapters 12 and 13 discuss related causes of actions: invasion of privacy, injurious falsehood, intentional and negligent infliction of emotional distress, negligent misstatement, and deprivation of civil rights. Chapters 14 through 16 treat procedural issues, including discovery, jurisdiction, choice of law, motion practice and appeals. A substantial portion of Volume Two consists of appendices that include surveys of state statutes of limitations, retraction statutes, shield statutes, a table of cases and an index.

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MASS MEDIA

CYBERPOWER: THE CULTURE AND POLITICS OF CYBERSPACE AND THE INTERNET Tim Jordan. London: Routledge, 1999. 254 p.

Cyberpower explores the concepts and modalities of power in the world of cyberspace, where (as the author observes) all can speak and all can be heard. Chapter 1 explores various theories of power; Chapter 2 defines cyberspace and relates its technological history. The author looks at the concept of cyberpower from a number of vantage points: the individual, the social and political, and the imaginary. The book includes endnotes, a glossary, bibliography and an index.

JOURNAL OF LAW, TECHNOLOGY & POLICY Urbana-Champaign: University of Illinois College of Law, 2000. Published twice annually.

This new journal is a joint publication of three entities at the University of Illinois: the College of Law, the National Center for Supercomputing Applications and the Institute of Government and Public Affairs. This peer-reviewed journal is interdisciplinary in approach and intends to address issues in the regulation of technology, technology policy, computer law, electronic commerce and innovation. The main articles will be supplemented with a *Recent Developments* section highlighting new laws, regulations, cases dealing with technology issues and student-written notes.

PSYCHOLOGY OF THE INTERNET Patricia Wallace. New York: Cambridge University Press, 1999. 264 p.

In this book author Patricia Wallace applies the insights and methodology of psychology to the behavior produced as users interact with the new medium of the internet. Chapters 2 and 3 explore issues of role-playing and personal identity. Chapters 4 and 5 consider group dynamics on the internet: conflict, cooperation, conformity, etc. Chapters 6 and 7 address the opposite poles of hate and interpersonal attraction. Additional chapters on compulsive use of the internet, altruism and gender roles complete the study.

WEBVERTISING: UNFAIR COMPETITION AND TRADEMARKS ON THE INTERNET Mathias W. Stecher, ed. London: Kluwer Law International, 1999. 267 p.

A publication of the International Association of Young Lawyers, *Webvertising* examines the legal

issues of advertising on the World Wide Web. It consists of a compilation of national reports from 15 countries. Each report follows the same format: examining issues of applicable law and jurisdiction, unfair competition, and trademark law, including domain names. In addition to the U.S. reports, there are national reports for Australia, Austria, Belgium, Finland, France, Germany, Israel, Italy, The Netherlands, New Zealand, Portugal, Spain, Sweden and the United Kingdom.

TELECOMMUNICATIONS

CABLE TELEVISION LAW 1999: COMPETITION IN VIDEO, INTERNET & TELEPHONY Frank W. Lloyd, chair. New York: Practising Law Institute, 1999. 2 volumes.

This two-volume set is part of the Practising Law Institute's course handbook series in intellectual property. It was prepared by PLI to accompany its program presented in April and May of 1999. Volume One begins with a 528-page overview of "Recent Developments in Cable Law." There are additional chapters on rate regulation, cable television transfers, programming regulation and competitive access. Volume Two contains four chapters on cable provision of online services, and additional chapters on antitrust issues and cable piracy. In addition to the discussion provided by the authors, the volumes contain a variety of sample forms, litigation and regulatory documents.

THE COMMUNICATIONS ACT: A LEGISLATIVE HISTORY OF THE MAJOR AMENDMENTS, 1934-1996 Max Paglin, ed. Joel Rosenbloom and James R. Hobson, co-eds. Silver Spring, Md.: Pike & Fischer, Inc. 1999. 408 p.

The Communications Act is the product of the Golden Jubilee Commission on Telecommunications, an organization created in 1984 to mark the 50th anniversary of the Federal Communications Act of 1934 (the "Act"). Under the editorship of the late Max Paglin, the Jubilee Commission produced *A Legislative History of the Communications Act of 1934*, which was published by Oxford University Press in 1989. The current book extends the research begun in that initial volume to the many amendments enacted during the more than 60 years between the original Act and the major revision embodied in the Telecommunications Act of

1996. The second volume took a different approach than the 1989 work. *A Legislative History of the Communications Act of 1934* consists of four introductory essays and the full text reprint of many of the Congressional reports, hearings and floor debates. Because of the large number of documents involved, the 1999 companion volume does not reprint any documents. Instead it presents 17 essays on the legislative background of the more than 130 amendments to the Act between 1934–1966. The essays focus on the industries affected by the legislation—e.g., cable, broadcast, common carrier—and on the organization and procedure of the FCC. Though the book lacks reprints of the legislative history documents, the original sources are identified in the extensive footnotes that accompany the essays.

CRISIS IN TELECOMMUNICATIONS CARRIER LIABILITY: HISTORICAL REGULATORY FLAWS AND RECOMMENDED REFORM Barbara A. Cherry. Boston: Kluwer Academic Publishers, 1999. 131 p.

This volume is an addition to the publisher's *Topics in Regulatory Economics and Policy Series*. The author examines the common carrier's limitation of liability for damage caused by service interruptions and outages to its customers. Her approach is interdisciplinary. She examines limited liability from legal, economic and organizational behavior perspectives. Chapters 2 through 4 explore the legal and regulatory origins of common carrier liability and the traditional justifications for these liability rules. Chapter 5 treats the issue from the viewpoint of economics; Chapter 6 examines the impact of institutional theory and organization behavior. The author's final chapter presents her preliminary conclusions "for developing economically efficient liability rules for telecommunications carriers."

FALLING THROUGH THE NET: DEFINING THE DIGITAL DIVIDE: A REPORT ON THE TELECOMMUNICATIONS AND INFORMATIONAL TECHNOLOGY GAP IN AMERICA Washington, D.C.: U.S. Department of Commerce, National Telecommunications and Information Administration, 1999. 108 p.

This is the third in a series of National Telecommunications and Information Administration ("NTIA") reports on household access to telecom-

munications devices and services in the United States. The previous reports were published in 1995 and 1998. Part I surveys access to telephones, computers and the internet. Part II focuses on individual internet usage and examines how and where people connect to the internet, patterns of use and reasons why people are not connected. Part III discusses policies for promoting access to the internet. The study provides a wealth of statistics, tables and charts. The appendix provides a "trendline study," which tracks the trends in household access to telephones, computers and the internet from 1984 to 1998.

FEDERAL TELECOMMUNICATIONS LAW Second ed. Peter W. Huber, Michael K. Kellogg and John Thorne. Gaithersburg, Md.: Aspen Law & Business, 1999. 1481 p.

In their preface the authors characterize this second edition as a "complete rewrite" of the first version, written in 1992. The passage of the Telecommunications Act in 1996 clearly necessitated the substantial revision and nearly 600 additional pages of text in the second edition. Chapters 2 through 7 address issues of jurisdiction, antitrust, economics, universal service, and mergers and acquisitions. Chapters 8–13 concern particular telecommunications products or services, including long distance, wireless, data and video services. In the final chapter, intellectual property, privacy and free speech are addressed. Also included are a glossary of telecommunications terms, a bibliography of books and articles, and an index.

INTERNET AND ELECTRONIC COMMERCE LAW IN THE EUROPEAN UNION John Dickie. Oxford: Hart Publishing, 1999. 154 p.

This volume is a concise overview of the law of the internet and electronic commerce in the countries of the European Union ("EU"). There are specific chapters on financial services, taxation, cryptography, copyright, data protection, advertising and consumer protection. Both the draft and enacted EU directives are examined with regard to these issues. There are detailed tables of cases, and tables of European Community and national legislation. The appendices contain a glossary, actual and proposed European Parliament and Council of the European Union directives, and a listing of useful websites.

IS THE TELECOMMUNICATIONS ACT OF 1996 BROKEN? IF SO, HOW CAN WE FIX IT? J. Gregory Sidak, ed. Washington, D.C.: AEI Press, 1999. 119 p.

This volume is the most recent addition to the *AEI Studies in Telecommunications Deregulation* series. It is a compilation of speeches on the 1996 Telecom Act and its regulatory implementation by government regulators, telecommunications executives, public policy analysts and legislators. Former FCC Commissioner Reed Hundt provided the keynote delivered at the American Enterprise Institute ("AEI") in August of 1997. A panel discussion moderated by this book's editor follows Hundt's speech. Nine other speeches on the topic are included in the chronological order in which they were delivered at the AEI.

LAW OF THE INTERNET 2000 ed. F. Lawrence Street and Mark P. Grant. Charlottesville, Va.: Lexis Law Publishing, 1999. 926 p.

Law of the Internet is a one-volume handbook on the legal issues raised by this new technology. There are individual chapters on the First Amendment issues of censorship, defamation and privacy. In addition there are chapters on intellectual property, computer crime, contracts, taxation and jurisdiction. Legal practice on the internet and securities regulation also are covered. Each chapter is followed by an extensive appendix, which provides a wide variety of practical information. For example, the appendix to the chapter on electronic contracts contains summaries of important cases, a summary of model state statutes, sample website notices, advertising agreements and service contracts. Also included are tables of cases and statutes, and an index.

MAKING UNIVERSAL SERVICE POLICY: ENHANCING THE PROCESS THROUGH MULTIDISCIPLINARY EVALUATION Barbara A. Cherry, Steven S. Wildman, Allen S. Hammond IV. Mahwah, N.J.: Lawrence Erlbaum Associates, 1999. 263 p.

The newest addition to the publisher's *Telecommunications* series, *Making Universal Service Policy* is a collection of articles designed to look at the subject from a multidisciplinary perspective. Units I-III consist of seven articles providing the theo-

retical and societal background for the issue of universal service. Unit IV consists of three essays addressing issues of funding the costs of universal service. Sections V and VI contain five essays addressing the roles of federal and state government. Each chapter provides endnote references.

TELECOMMUNICATIONS CONVERGENCE: IMPLICATIONS FOR THE INDUSTRY AND FOR THE PRACTICING LAWYER William T. Lake, Stephen A. Weiswasser and Alan N. Braverman, co-chairs. New York: Practising Law Institute, 2000. 936 p.

Telecommunications Convergence is a compilation of essays, outlines and documents published to accompany a March 2000 Practising Law Institute ("PLI") program. Among the essays is a "Communications Law Overview" by Richard E. Wiley. Also included are articles on internet privacy, convergence and cable access. A series of documentary appendices contain various court documents, bill texts and FCC reports.

TELECOMMUNICATIONS DEALS: M & A, REGULATORY & FINANCING ISSUES Howard Chatzinoft, Harvey I. Saferstein and Walt Saprionov, co-chairs. New York: Practising Law Institute, 1999.

This course handbook was prepared to accompany the PLI program offered July-August 1999. It contains a wide variety of documents: outlines and summaries provided by the presenters, copies of court and regulatory documents, and sample agreements.

WASHINGTON D.C. TELECOMMUNICATIONS DIRECTORY: THE 1999 DIRECTORY OF TELECOM ASSOCIATIONS AND CORPORATE OFFICES IN THE WASHINGTON D.C. METROPOLITAN AREA Washington, D.C.: Telecommunications Reports International, 1999. 148 p.

Published by Telecommunications Reports International, this directory is a guide to associations, corporate offices, think tanks, labor unions and interest groups in the Washington, D.C. area that deal with telecommunications issues. Most entries include contact information, webpage URLs, descriptions of the organizations and a listing of key personnel.