
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. Accompanying each item is an annotation describing the contents and focus of the work. Bibliographies and other useful information in appendixes are noted. The International Standard Book Number ("ISBN") is included in every entry for which it is available in order to facilitate purchasing titles or borrowing them through interlibrary loan.

FREEDOM OF PRESS AND SPEECH

ACCESS DENIED: FREEDOM OF INFORMATION IN THE INFORMATION AGE Charles N. Davis & Sigman L. Splichal, eds. Ames, Iowa: Iowa State University Press, 2000. 268 p. ISBN: 0-8138-2567-9.

ACCESS DENIED is a collection of essays on the current status of access to governmental records. Co-editor Splichal provides an introductory chapter examining the political and legal foundation of the "right to know." The chapters comprising this collection cover a variety of issues, including a survey of public attitudes toward access to government records, privacy, the open courtroom, privatization of governmental functions, anonymous juries and national security issues. Chapter 2 provides a fifty-state survey of state laws on access to electronic records. The book contains no overall bibliography, though the footnote references following each chapter are extensive. An appendix chapter identifies and describes organizations working in the field of public access to information.

AMERICAN BROADCAST REGULATION AND THE FIRST AMENDMENT: ANOTHER LOOK Charles H. Tillinghast. Ames, Iowa: Iowa State University Press. 2000. 178 p. ISBN: 0-8138-2568-7.

In *AMERICAN BROADCAST REGULATION*, author Charles Tillinghast provides a personal re-examination of the relationship between the First Amendment and efforts to regulate broadcasting. Tillinghast strongly supports regulating broadcasting in the public interest and advocates a resuscitation of the fairness doctrine in some form. His approach is historical. There are individual chapters on the beginnings of governmental involvement, the Radio Act of 1927, the creation of the FCC, the rise of television and FM, the deregulation movement and the Telecommunications Act of 1996. The landmark Supreme Court decisions of *NBC v. U.S.* and *Red Lion* receive considerable treatment, as does the concentration of ownership in giant media corporations. A bibliography of references is included.

DECIDING WHAT WE WATCH: TASTE, DECENCY, AND MEDIA ETHICS IN THE UK AND THE USA Colin Shaw. Oxford: Clarendon Press, 1999. 184 p. ISBN: 0-19-815937-4.

Shaw's book seeks to compare the different approaches to the regulation of media content in the United States and the United Kingdom. Chapter 2 briefly traces the history of regulation in the United States and United Kingdom. Chapter 3 examines the differences between the two societies in their concepts of taste and decency. There are additional chapters on broadcasting content con-

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cerning children, portrayal of sexuality, indecent language, news, reality programming and privacy issues. A short bibliography is included.

DON'T SHOOT THE MESSENGER: HOW OUR GROWING HATRED OF THE MEDIA THREATENS FREE SPEECH FOR ALL OF US Bruce W. Sanford. New York: The Free Press, 1999. 257 p. ISBN: 0-684-82813-8.

Bruce W. Sanford is a noted libel attorney and the author of *LIBEL AND PRIVACY* (2d ed. 1991), a standard text in the field. In *DON'T SHOOT THE MESSENGER* Sanford eschews a discussion of the technical elements of the libel case to concentrate on the societal effects of a growing distrust of the media. Part One examines the origins and causes of what Sanford labels "the canyon of distrust" between the public and the news media. He examines polling surveys and media criticism to map the development of these negative attitudes, which he sees as increasing substantially in the decades of the 1980s and 1990s. He also discusses the public's major criticisms of the media: sensationalism and bias. Part Two details the effect of this distrust on the role of a free press in society. Endnotes and a bibliography of books and articles are included.

FREE EXPRESSION IN AMERICA: A DOCUMENTARY HISTORY Sheila Suess Kennedy, ed. Westport, Conn.: Greenwood Press, 1999. 339 p. ISBN: 0-313-30241-3.

FREE EXPRESSION IN AMERICA is the newest addition to the publisher's series *PRIMARY DOCUMENTS IN AMERICAN HISTORY AND CONTEMPORARY ISSUES*. As the title indicates, it is a compilation of primary source materials that have shaped the content of free speech in the United States. The documents, ranging from the Alien and Sedition Acts to Hugh Hefner's "The Playboy Philosophy," include the text of constitutional provisions, statutes, court opinions, political broadsides, and excerpts from newspaper and magazine articles. The 106 documents in the collection are grouped into seven units according to either historical epoch or specific freedom of speech issue. Each document is preceded by a short introduction by the editor. The editor has also provided a glossary, bibliography and index.

HATE SPEECH, PORNOGRAPHY, AND THE RADICAL ATTACK ON FREE SPEECH DOCTRINE James Weinstein. Boulder, Colo.: Westview Press, 1999. 282 p. ISBN: 0-8133-2709-1.

James Weinstein, a constitutional law professor at Arizona State University, addresses the thorny issue of regulating speech in an effort to protect women and minorities. Part One outlines the basics of traditional free speech doctrine by examining the history of its development, the values it supports and the contours of current doctrine. Part Two addresses the radical critique to free speech doctrine brought by concerns over the effects of hate speech on minorities and pornography on women. The author provides a description of these critiques and his response to their conclusions about the regulation of speech content. Part Three presents the author's cost-benefit analysis of attempts to regulate free speech and his efforts to incorporate the concerns of minorities and women into an approach that would have a minimal impact on the core values of the First Amendment. The appendix discusses the conclusions of empirical studies on the effects of pornography. It highlights the reports of the 1970 President's Commission on Pornography and the 1985 Attorney General's Commission on Pornography. The appendix examines the empirical studies upon which the commissions based their conclusions and subsequent studies that have tested those conclusions. The slim volume contains nearly fifty pages of endnotes.

THE TAMING OF THE PRESS: *Cohen v. Cowles Media Company* Elliot C. Rothenberg. Westport, Conn.: Praeger Publishers, 1999. 283 p. ISBN: 0-275-96601-1.

Minneapolis attorney Elliot Rothenberg represented Dan Cohen throughout most of the duration of this landmark case dealing with the liability of newspapers for divulging sources of confidential communications. *TAMING THE PRESS* provides an insider's view of the nine-year journey of the case from Hennepin County (Minn.) District Court to the United States Supreme Court. In an epilogue the author discusses the impact of Cohen since the Supreme Court decision in 1991. Each chapter of the narrative contains endnotes.

The appendix contains the text of the Supreme Court decision.

MASS MEDIA

THE BEGINNING OF BROADCAST REGULATION IN THE TWENTIETH CENTURY Marvin R. Bensman. Jefferson, N.C.: McFarland & Company, 2000. 272 p. ISBN: 0-78640737-9.

Marvin Bensman is a communications professor at the University of Memphis and the director of the University's Radio Program Archives, at <http://www.people.memphis.edu/~mbensman/welcome.html> (last visited Mar. 23, 2001). His **BEGINNING OF BROADCAST REGULATION** is an examination of the prehistory of the Communications Act of 1934, a period that tends to receive only brief treatment in most histories of broadcast communication. The origins of governmental regulation of "wireless" in the Acts of 1910 and 1912 are the concern of Chapter I. Chapters II and III discuss the development of radio from a station-to-station to a broadcasting medium. There is significant discussion of the major radio conferences, the regulatory role of the Department of Commerce and early attempts by Congress to address the increasingly complex issues of this new technology. Chapter IV covers the context of the passage of the Radio Act of 1927 ("Radio Act"), the legislative process of the passage of the Radio Act and the movement of regulatory responsibility from the Commerce Department to the new Federal Radio Commission. Chapter V discusses the regulatory framework of the Radio Act and the contributions of Secretary of Commerce Herbert Hoover, the radio industry and Congress to the Radio Act's structure. The book contains extensive endnotes and a bibliography of books, articles, interviews and unpublished materials.

BIG VOICES OF THE AIR: THE BATTLE OVER CLEAR CHANNEL RADIO James C. Foust. Ames, Iowa: Iowa State University Press, 2000. 249 p. ISBN: 0-8138-2804-X.

BIG VOICES examines the history of the development of clear channel radio. Foust's study focuses on the policy issues embodied in clear channel radio and the influence of industry trade groups on the implementation of those policies. Instituted by the Federal Radio Commission in 1928, clear channel frequencies were designed to extend ra-

dio service to rural areas, particularly at night. Chapter Two of Foust's book examines the development of radio broadcasting in the early 1920s. Chapter Three explores the clear channel debate during the 1930s and highlights the role of specialized trade organizations, such as the Clear Channel Group, and the experiment with the superpower clear-channel WLW in Cincinnati. Chapter Four discusses the formation and influence of the Clear Channel Broadcasting Service in the early 1940s. Chapters Five and Six extend the discussion into the late 1940s and 1950s, and examine the impact of FM radio and television on clear channel broadcasting. The book's final chapter broadens the study and examines the clear channel debate as a paradigm for other regulatory issues in telecommunications. There are endnotes after each chapter and an extensive bibliography of books and articles.

BROADCASTING FREEDOM: RADIO, WAR, AND THE POLITICS OF RACE, 1938-1948 Barbara Dianne Savage. Chapel Hill, N.C.: University of North Carolina Press, 1999. 391 p. ISBN: 0-8078-4804-2.

The word "Broadcasting" in Professor Savage's title is a verb not a noun. Her book is a history of the involvement of radio in the public discussion of race relations and the impact of radio programs dealing with race in the decade from the late 1930s to the late 1940s. Like several media historians, Professor Savage maintains that the preponderance of scholarship on film and television tends to minimize our appreciation of radio's impact on public culture. **BROADCASTING FREEDOM** consists of two main subdivisions. Part One, consisting of three chapters, examines specific public affairs programs produced by the federal government and their broadcast over the national radio networks. Part Two, also three chapters in length, looks at programs addressing racial issues from nongovernmental sources, e.g., the Urban League, network public discussion forums and locally-produced programming. Endnotes and a bibliography are included.

HOLDING THE MEDIA ACCOUNTABLE: CITIZENS, ETHICS, AND THE LAW David Pritchard, ed. Bloomington, Ind.: Indiana University Press, 2000. 203 p. ISBN: 0-253-21357-6.

The aim of journalism Professor David Pritchard's book is to "take a fresh look at how media law and ethics operate in the real world." Ten of the book's thirteen chapters are case studies of media accountability in specific communities, mostly in the Midwest. The book is an outgrowth of the editor's graduate seminar in media ethics at Indiana University's School of Journalism. The wide-ranging scope of the book's chapters reflect the book's seminar roots. Several chapters empirically study the effectiveness and influence of the newspaper ombudsman, critical oversight by journalism reviews and decision-making by a Canadian press council. The second half of the book takes a closer look at legal institutions. There are case studies of grass roots efforts to influence FCC policy on media content and attempts to regulate indecency on local cable access channels. Additional chapters concentrate on how newspapers use lawyers, the impact of state press associations and the aftermath of Supreme Court libel decisions.

MEDIA REGULATION, PUBLIC INTEREST AND THE LAW Mike Feintuck. Edinburgh: Edinburgh University Press, 1999. 229 p. ISBN: 0-7486-0997-0.

Professor Feintuck's book examines both the theory and practice of media regulation in Great Britain. Part One, consisting of three chapters, explores the conceptual framework underlying regulation in Britain with considerable discussion of the elusive concept of the "public interest." The two chapters that comprise Part Two address the realities of the regulatory scheme and its practices. The final chapters attempt a comparison of regulatory theory and practice with the United States and other countries. A bibliography is included.

PACIFICA RADIO: THE RISE OF AN ALTERNATIVE NETWORK Matthew Lasar. Philadelphia: Temple University Press, 1999. 277 p. ISBN: 1-56639-660-3.

Lasar's book is a history of the origins and development of the first nonprofit FM radio network in the United States. He examines its beginnings with a small group of pacifists in 1946, the establishment of its first station KPFA-FM in Berkeley in 1949, and the network's expansion to Los Angeles and New York. The author documents its transformation from its initial mission as

an intellectual alternative to commercial radio into a haven for unpopular ideas during the McCarthy era. In the late 1950s and early 1960s Pacifica became more aggressive in style, and it fashioned itself into what has come to be called "alternative radio." The book contains endnotes and a number of photographs.

RADIO AND TELEVISION REGULATION: BROADCAST TECHNOLOGY IN THE UNITED STATES, 1920-1960 Hugh R. Slotten. Baltimore: The Johns Hopkins University Press, 2000. 308 p. ISBN: 0-8018-6450-X.

Slotten's book examines key policy decisions in the development of broadcast technology. The author places technical issues in their historical context, and examines the interplay of ideological, social and scientific factors that influenced the formation of public policy. There are separate chapters on major developments in radio policy including: radio under the Commerce Department (up to 1927), radio under Federal Radio Commission (1928-1934) and the emergence of FM radio in the 1930s and 1940s. The book also contains several chapters on the development of television: its prehistory in the 1930s, its commercial development in the late 1940s and early 1950s and the introduction of color television technology. The book contains endnotes and a bibliographic essay on secondary sources.

RAPE ON PRIME TIME: TELEVISION, MASCULINITY, AND SEXUAL VIOLENCE Lisa M. Cuklanz. Philadelphia: University of Pennsylvania Press, 2000. 187 p. ISBN: 0-8122-3522-3.

Professor Cuklanz's book is the most recent contribution to the publisher's series, FEMINIST CULTURAL STUDIES, THE MEDIA, AND POLITICAL CULTURE. It studies the treatment of rape on popular television programs from 1976 to 1990. The author examines the changing portrayal of rape during this period by analyzing it in light of significant actual events in the history of rape reform. Chapter Five takes an in-depth look at "ground-breaking" episodes. The appendices contain a list of television programs with episodes dealing with rape, a timeline of important developments in legal reform during the same period in which the television programs were first aired, endnotes and a bibliography of references.

TELECOMMUNICATIONS

1999 TELECOMMUNICATIONS LAWS PASSED

Robert D. Boerner & Andrea K. Wilkins. Washington, D.C.: National Conference of State Legislatures, 2000. 33 p. ISBN: 1-58024-100-X.

The 1999 edition is the second report of its kind published in the Information Policy & Technology Series by the National Conference of State Legislatures. It provides a fifty-state survey of legislative activity in telecommunications. The introductory table lists which states have passed legislation under specific topics, such as cable television, universal service and taxation. The main body of the report is divided into seventeen telecommunications issues. Under each topic is listed the bills passed in various states. Included in each listing is the bill number, date of passage and a brief summary of its content. The appendix provides a state-by-state list of telecommunications laws passed. The bill number and general topic of the legislation is included under each state listing.

THE DIGITAL DILEMMA: INTELLECTUAL PROPERTY IN THE INFORMATION AGE National Research Council, Committee on Intellectual Property Rights and the Emerging Information Infrastructure. Washington, D.C.: National Academy Press, 2000. 340 p. ISBN: 0-309-06499-6.

The DIGITAL DILEMMA is a report issued by a committee of the National Research Council's Computer Science and Telecommunications Board. Its stated task is to assess the current state and future trends of networked information technology, to examine the supply and demand for networked information, and to review these issues in light of current and proposed intellectual property law in the United States. There are separate chapters on music, public access to information, fair use, copyright and the protection of digital intellectual property. The final chapter presents the committee's conclusions and recommendations. A substantial bibliography is included. The appendices contain the biographies of the committee members, a nontechnical explanation of how the Internet works, a brief discussion of the economics of information, a discussion of various technologies to protect intellectual property rights and an examination of the Digital Millennium Copyright Act.

ENCYCLOPEDIA OF EUROPEAN TELECOMMUNICATIONS LAWS Chris Watson. London: Sweet and Maxwell, 1999. Loose-leaf format. ISBN: 0-75200-6959.

As the title indicates, the ENCYCLOPEDIA is a compilation of articles detailing the specifics of the regulatory schemes of ten major European countries. The format is loose-leaf to allow for future supplementation. The countries included are: Austria, Belgium, France, Germany (in process), Italy, Netherlands, Spain, Sweden, Switzerland and the United Kingdom. Each chapter contains an introduction and a discussion of nine other important issues, including regulatory agencies, competition, universal service, data, licensing, spectrum, interconnection, numbering and apparatuses. Each chapter includes appendices providing a glossary of terms and a guide to locating additional information.

EUROPEAN TELECOMMUNICATIONS LIBERALISATION Kjell A. Eliassen and Marit Sjøvaag, eds. London: Routledge, 1999. 298 p. ISBN: 0-415-18781-8.

EUROPEAN TELECOMMUNICATIONS LIBERALISATION is the most recent addition to the Routledge Studies in the European Economy series. It comprises a series of essays that address the profound changes in the regulation of telecommunications that brought about the creation of the European Union. Part I, comprising four chapters, examines changes in regulatory theory and practice within the European Union as a whole. Close attention is given in Part II to particular European countries, specifically the United Kingdom, Germany and France. Part III reviews communications policies outside the European Union, concentrating on the Czech Republic, Israel and Thailand. The book's final four chapters address the global marketplace and its effect on national policies. An extensive bibliography is included.

INTERNATIONAL TELECOMMUNICATIONS LAW Dennis Campbell, ed. London: BNA International, 1999. Loose-leaf format. ISBN: 0-906524-33-4.

INTERNATIONAL TELECOMMUNICATIONS LAW is a loose-leaf reference publication that profiles the telecommunications regulatory systems of twenty

key countries. Included are: Argentina, Austria, Canada, England, European Union, Finland, Ireland, Italy, Malaysia, Mexico, Netherlands, New Zealand, Norway, Philippines, Spain, Sweden, Taiwan, Thailand, United States and Venezuela. Among the topics considered in each profile are: licensing, broadcasting, security, equipment, media, network interconnection, intellectual property, and property and environmental issues.

PIKE & FISCHER INTERNET LAW & REGULATION Robert E. Emeritz, exec. ed. Silver Spring, Md.: Pike & Fischer, 1999. Loose-leaf format.

INTERNET LAW & REGULATION is a multivolume, loose-leaf topical reporter focusing on a wide variety of legal issues involving the Internet. Published by well-known communications law publisher, Pike & Fischer, the set is divided into "Law and Policy" and "Cases" volumes. The "Law and Policy" volumes consist of a number of tabbed chapters addressing issues of criminal liability, encryption, FCC regulation, free speech, electronic commerce, intellectual policy, jurisdiction, privacy, securities and taxation. Each chapter begins with an overview commentary and contains a wide variety of source documents, including federal and state statutes and regulations. The "Cases" volumes contain the text of decisional law from federal and state courts and administrative agencies. They also include the text of interesting pleadings, motions and briefs. The set contains an overall topical digest and index and several cases tables.

TELECOMMUNICATIONS REGULATION: CULTURE, CHAOS AND INTERDEPENDENCE INSIDE THE REGULATORY PROCESS Clare Hall, Colin Scott, and Christopher Hood. London: Routledge, 2000. 249 p. ISBN: 0-415-19949-2.

TELECOMMUNICATIONS REGULATION is the newest addition to the publisher's series, ROUTLEDGE ADVANCES IN MANAGEMENT AND BUSINESS STUDIES. It examines the processes of regulation within Oftel, the UK's telecommunications regulator, during the middle and late 1990s. The authors, all connected with the London School of Economics, describe their book as an exploration of the "inner world of UK telecommunications regulation." Through extensive interviews they attempt to document the interplay of regulation and institutional culture, and examine the decisional styles

at work in the regulatory process. An extensive bibliography and a glossary are included.

TELETEXT: ITS PROMISE AND DEMISE Leonard R. Graziplene. Bethlehem, Pa.: Leigh University Press, 2000. 184 p. ISBN: 0-934223-64-5.

TELETEXT was an information technology that gained acceptance in Europe but failed in the United States. Graziplene's book is a history of this technology's twenty years of existence and its quick decline. The author examines its development in Europe, the efforts to introduce it into the United States and studies of viewers' reactions to teletext. His final chapter analyzes its failure in the U.S. marketplace by looking at regulatory, technical and economic issues surrounding the technology. The appendices contain brochures and press releases from teletext providers. Endnotes and a bibliography also are included.

TO WIRE THE WORLD: PERRY F. COLLINS AND THE NORTH PACIFIC TELEGRAPH EXPEDITION John B. Dwyer. Westport, Conn.: Praeger, 2001. 183 p. ISBN: 0-275-96755-7.

John Dwyer, a military historian, provides in *TO WIRE THE WORLD* an account of the post-Civil War attempt to extend telegraph lines through Canada, Russian America (Alaska) and Siberia. This expedition was recalled in 1867 when Cyrus Field's trans-Atlantic cable was completed. The author provides a vivid picture of entrepreneur Perry Collins and his daring, but nearly forgotten, enterprise. The book contains endnotes after each chapter, maps, photographs, a glossary and a bibliography.

WHO PAYS FOR UNIVERSAL SERVICE? WHEN TELEPHONE SUBSIDIES BECOME TRANSPARENT Robert W. Crandall & Leonard Waverman. Washington, D.C.: Brookings Institution Press, 2000. 199 p. ISBN: 0-8157-1612-5.

Authors Crandall and Waverman examine in detail the subsidies embedded in telephone service and question whether they achieve the social goals embodied in the concept of "universal service." The authors explore the changes in telecommunications technology and the role of subsidies directed toward specific components of the telephone market, e.g., low-income households, rural users and medical facilities, schools, and li-

baries. They provide evidence from a number of studies, and a wealth of tables and charts. They conclude that these subsidies generally fail as effective educational and social policy. Extensive endnotes are included.

YOU SAY YOU WANT A REVOLUTION: A STORY OF INFORMATION AGE POLITICS Reed E. Hundt. New Haven: Yale University Press, 2000. 238 p. ISBN: 0-300-08364-5.

Reed Hundt's book is an autobiographical chronicle of his tenure as the chairman of the

Federal Communications Commission ("FCC"). Hundt's service at the FCC covers the period before, during and after the passage of the momentous Telecommunications Act of 1996. The first chapter covers the eighteen months before Hundt became FCC chairman in November 1993. The remaining chapters, each covering three to four months, span the full period of his tenure with the agency. Hundt's narrative is informal in style. There are no footnotes or bibliography, though he does provide an index and a "cast of characters" featured in his account.

