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 1997 or 1998. 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


University of Virginia law professor Lillian BeVier presents her constitutional analysis of a controversial suggestion for federal election campaign reform in this new monograph in the AEI Studies in Telecommunications Regulation series. Professor BeVier addresses many of the rationales for the provision of free television time for federal candidates and the concomitant limitations placed on its use. Examining a variety of arguments based on public ownership of the airwaves or the concept of trusteeship embedded in the broadcast license itself, she finds all of the rationales problematic. Her First Amendment analysis of political speech produces a similar conclusion. The monograph includes a short examination of the specifics of the leading proposals for this type of campaign reform.


The contributors to this collection address prevalent rationales for increased regulation of the media. Essays by editor Corn-Revere and Robert O’Neil assess the assumption behind the continuing “culture of regulation” embodied in Red Lion. Laurence Winer addresses the inadequacy of relying on the protection of children as a rationale for constitutionally appropriate regulation. Thomas Hazlett examines market failure and “other quasi-antitrust theories” as a justification for governmental regulation. Senator Patrick J. Leahy provides an introduction to the collection.


In only slightly more than 200 pages of text, authors Diffie and Landau provide a comprehensive view of the technology and policy issues involving privacy in electronic communications. The book provides chapters on the history of wiretapping and encryption and explanations of the technology involved. The authors make a strong case for the necessity of privacy from personal, business, and societal perspectives. The legitimate needs of police and national security are also examined. Endnotes and an extensive bibliography are included.


Dunham’s book is an account of the 1971 legal actions resulting from the broadcast of the CBS documentary, The Selling of the Pentagon. The docu-

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Commentary was highly critical of government propaganda efforts to "sell" the Vietnam War to the American people. CBS president Frank Stanton refused to provide a congressional investigatory committee with documents dealing with the research and production of the documentary. This action led to a contempt of Congress citation for Stanton and produced a intense constitutional debate about the power of Congress to intrude on the media's news gathering process. As executive vice president and general counsel at NBC, Dunham was well positioned to provide an account of the conflict and an analysis of its resolution and lingering issues.


Godwin, staff counsel for the Electronic Frontier Foundation, provides a participant's view of some of the earliest legal battles over attempts to regulate the Internet. An unabashed defender of free speech on the Net, Godwin discusses issues of encryption, libel, copyright, and pornography and argues strongly against new, more restrictive, regulation. Cyber Rights brims with anecdotes and behind-the-scenes looks at the people and organizations struggling with the [reality] and potential of the information superhighway.


Attorney Ronald Goldfarb's book examines the continuing issue of the use of cameras in the courtroom. He carefully examines the pros and cons from both a policy and legal perspective within an historical and social science context. The author devotes a full chapter to the origins of cable television's Court TV and its experience televising trials for nearly a decade. The appendices provide a detailed compilation of the rules and practices of state courts with regard to the use of cameras in their courtrooms.


As the title suggests, journalism professor Ingelhart's book is a time line of significant events in the history of the development of speech and press freedoms. The focus of the book is on nations other than the United States. Developments in the United States are covered in the companion volume, Press and Speech Freedoms in America, 1619-1995 (Greenwood Press, 1997). The chapters generally follow a straight forward chronology, but some backtracking is used to maintain the narrative flow. For example, Chapter 6 covers libel in England in the early eighteenth century; chapter 7 covers roughly the same period in countries other than England. The book's final chapter, entitled "The Future of the World's Freedom of Expression," steps out of a strict time line to provide an auxiliary chronology of the contributions of international organizations, beginning with the Berne Convention in 1886. The author provides voluminous endnotes, a selected bibliography, and both a name and topic index.


Media Law, while only 274 pages in length, provides a highly understandable picture of the various levels of overlapping governmental involvement in media issues in the European Union, particularly in the areas of freedom of expression and the news media. Chapter 1 provides an overview of the history of the European Union, its membership, and organizational structure. Chapter 2, entitled "Philosophical and Legal Foundations," surveys the regulation of media in basic United Nations and human rights documents, the constitutions of the countries of the European Union, and decisions of the European Court of Human Rights. The structure of the remaining chapters begins with a discussion of applicable law concerning specific issues at the European Union level and is completed by a survey of the law of each E.U. member government. Comparisons with United States practice is provided where appropriate. Chapter 3 explores the personal protections involved in defamation actions, the right of reply, privacy, and news source protection. Public order issues—obscenity, racism, and national
security—are discussed in Chapter 4. Chapters 5 through 8 deal with the issues of secrecy and access to information, regulation of program content, advertising, and media concentration. The final chapter concerns journalistic ethics and includes the texts of the journalist’s code of ethics from each of the European Union countries.

TELECOMMUNICATIONS


Communications, Commerce, and Power, published as part of St. Martin’s Press International Political Economy Series, is a critical assessment of the history of the direct broadcast satellite. Comer concentrates on the direct broadcast satellite, which he describes as “arguably the most powerful, far-reaching, and culturally intrusive of all new technologies,” as a focal point for studying American cultural imperialism. An extensive bibliography is provided.


Peter Curwen’s monograph attempts to “demystify” the process of the restructuring of telecommunications markets and services in Europe. There are individual chapters on the technical aspects of telecommunications networks, market structure, globalization, privatization, multimedia, and governmental regulation. The United Kingdom and Germany are selected for a detailed look as illustrative case studies. Chapter 13 examines the United States and the 1996 Telecom Act. A short glossary of terms and an extensive bibliography are included.


In Cellular Communications, Garry Garrard seeks to produce a resource that in a single book traces the origins and development of the international cellular industry while also providing an understandable technical background for the non-technician. Chapters 1 and 2 trace the pre-history of cellular and its beginnings, particularly in the United States. Chapters 3 and 4 discuss its early development in Europe and the United Kingdom. Additional chapters examine the process of monopolization and competition in these markets. Chapter 9 focuses on the digital technology in the United States. Chapter 10 provides an overview of the cellular industry in Asia and Latin America. Additional chapters treat mobile radio and other competitors of cellular. The final chapter looks forward to future developments in the industry.


Global Connections attempts to present an “overview of the international telecommunications environment and trends in telecommunications policy.” Section 2 surveys the current status of telecommunications in the industrialized countries of the United States, United Kingdom, the British Commonwealth, European Union, and Japan. Section 3 examines the telecommunications sector in the developing countries of Eastern Europe, Russia, Asia, and Latin America. The book’s final chapters focus on international infrastructure—e.g., satellites, cable networks—and changing patterns of international telecommunications policy. Appendixes contain a list of informational resources on the Internet, endnotes, a glossary, and a substantial bibliography.


This PLI course handbook provides a collection of resource material to accompany its September 1997 program. The materials in the course handbook include articles, outlines, FCC orders, and regulatory documents. A glossary of telecommunications terms is also included.


Future Codes, a new volume in the Artech House Telecommunications Library, is a collection of es-
says by computer lawyer Curtis E.A. Karnow originally published in various journals between 1993 and 1996. A common theme of the author is the difficulty of using established legal categories and assumptions in the rapidly changing area of advanced technology. The collection’s sixteen essays explore this collision of law and high technology in the areas of intellectual property, encryption, the First Amendment, criminal law, and new areas of tort liability. Each essay includes extensive endnotes.


Part I, consisting of the first seven chapters, provides an overview of telecommunications regulation in the United States. There are individual chapters on telephony, wireless, broadcast, cable, satellite, and the Internet. The twenty chapters which comprise Part II address international regulation of telecommunications. Two chapters address the activities of the World Trade Organization, and there are separate chapters on the European Union, individual countries of Eastern Europe, and Latin America. The appendixes contain the amended text of the Communications Act of 1934 and a bibliography.


*Telecommunications Law and Policy* updates the first edition of this casebook that was originally published in 1995. The overall structure is substantially the same as the first edition, though the author has updated the text and the selections to reflect the changes brought about by the 1996 Telecom Act. The treatment of telephone issues has increased with a new section on local telephone service and a more extensive discussion of universal service policies. A statutory appendix contains selections from the Communications Act.


Milton Mueller’s book studies the history of early telephone competition in the United States from 1892 to 1912. Mueller contends that this period of intense competition between the Bell System and a myriad of local exchanges drove the development of the policy of universal service rather than the period of regulated monopoly that followed. He further concludes that universal service was defined by the need for standardization and interconnection rather than by subsidies for the extension of residential telephone service. The implications of his historical and policy study for universal service in the 1990s and beyond are explored in the book’s final two chapters. A list of bibliographic reference are included.


Noam and Wolfson’s book is a wide-ranging collection of essays on the globalization of telecommunications. The individual essays are organized under categories such as new local telecommunications markets, investment incentives in global communications, universal service, and policy issues in the new global environment. Each essay includes a bibliography of references and endnotes.


This volume is a part of the publisher’s Contemporary Studies in Communications, Culture, and Information series and consists of essays that provide a comprehensive and highly readable overview of governmental regulation of the telecommunications industry. Part 1 surveys telecommunication legislation. The unit begins with an essay by Mark Becker on the legislative back-
ground of the 1934 Communications Act, and ends with a contribution by Charles Hudak and Anne Franklin discussing the 1996 Act and the FCC interconnection rules. Part II comprises essays on competition in telecommunication; Part III concerns merger and acquisitions issues. A substantial appendix provides a glossary terms used in the Telecommunications Act of 1996.


*Telecommunications Take-Off* is a collection of essays focusing on the efforts and achievement of Central and Eastern European countries in creating a telecommunications infrastructure. After an initial essay on telecommunications policy in the European Union, the bulk of the book consists of individual chapters focusing on Hungary, Poland, the Czech Republic, Estonia, Latvia, Lithuania, and Romania. The chapters included a variety of charts, references, and endnotes.


*How American Got On-Line* provides a concise history of the contemporary telecommunications industry. Political science professor and lawyer Alan Stone examines the interplay of governmental regulation and private markets and how these relationships have changed over time. The development the infant telecommunications industry into a regulated monopoly in the subject of the book's first two chapters. Chapters 3 through 5 covers the challenges to the monopoly and the breakup of AT&T. Telecommunication privatization in Europe is the subject of chapter 6. Chapters on the wireless revolution, computers, and new technologies complete the book.


*Telecommunications Competition* focuses on the policy, regulatory, and technology forces that effect the provision of local telephone service, the "last ten miles" referred to in the book's subtitle. Chapters 2 through 5 examines the organization of telephone networks, the different types of service providers, and the governmental regulatory apparatus and structure that define the operation of the local exchange carrier. Chapters 6 through 8 specifically address competition in local telephone markets. Chapter 9 surveys regulatory developments in competition in local telecommunications in the United Kingdom. The book's final chapter gives the author's appraisal of the role of public policy in shaping the provision of local telecommunications services. A glossary of term and a list of references are included.


This volume in the AEI Studies in Telecommunications Deregulation explores whether vertical integration can produce a beneficial operational efficiency in the cable industry without fostering anticompetitive practices. Chapter 2 discusses the social and policy concerns of vertical integration. Chapter 3 examines the current market structure in cable television. The economic advantages of vertical integration is the subject of chapters 4 and 5. Chapter 6 provides the authors' econometric analysis of the outcomes of vertical integration. The final chapter summarizes the policy concerns and the authors' conclusions. A bibliography of references is included.

**Mass Media**


James Baughman's *Republic of Mass Culture* examines the emergence of television as the dominant media force of the second half of the twentieth century. The author provides his analysis by studying the interactions between television and the other media and how television's emergence changed the character of these other media. His
first three chapters describe the media culture of the United States before the emergence of television. He concludes that, before television began to dominate in the early 1950s, the three main media industries—newspapers, films, and radio—were roughly equal in their impact on the American public. Chapter four describes the early responses of the other media to television’s growing dominance in the 1950s. Chapters 5 through 7 examine in detail the hegemony of network television through the beginning of decade of the 80s. The challenge to network television brought about by the emergence of cable and VCRs is discussed in chapter 8. The final chapter (new to this second edition) comments on media in the 1990s with particular attention to the effects of media concentration.


The Catholic Crusade explores the impact of the Catholic Church’s Legion of Decency on the movies. The author maintains that the Legion, ostensibly a ratings system for the guidance of Catholics, functioned in many cases as a censor for all movie audiences. He examines in detail the interaction of the Legion of Decency and the PCA (the Production Code Administration), Hollywood’s internal censorship agency. The focus of this book begins in 1940; it continues the author’s examination of movie censorship in the 1930s that he began in his earlier book, Hollywood Censored: Morality Codes, Catholics, & the Movies (Cambridge University Press, 1994). A bibliography of sources and a filmography of all movies discussed in the text are included.


The Media in Question is a collection of essays on contemporary media and culture. The book’s focus is primarily Europe. The first section of essays concerns the operation of the free market and media regulation. An attempt to define the public interest is the subject of the collection’s second section. Essays 9 through 12 comprise the third unit and address issues of journalistic ethics and responsibility. The final essays address specific modalities of popular culture.


Unlike Donald Warren’s recent book, Radio Priest (Free Press, 1996), Ronald Carpenter’s work is not a traditional biography of the controversial Father Charles Coughlin. Carpenter’s study is described by Wil Linkugel in his foreword as a “rhetorical biography.” Carpenter studies Coughlin specifically as orator and analyzes the context and techniques which he used to achieve his enormous popularity during the years of the Great Depression. A key component of that context was the emergence of the new medium of radio. Carpenter carefully examines the interplay of Coughlin’s oratorical skill and the unique character of the radio broadcast. The texts of several of Coughlin’s speeches are included to illustrate the author’s analysis. Extensive endnotes and a bibliography are included.


Newspapers of Record is the latest addition to the Praeger Series in Political Communications. The first two chapters provide a capsule history of the newspaper industry and an account of its development as an official media record. Chapter 3 examines the specific state requirements of public and legal notices. The newspaper as a reference resource for the librarian and historian is the focus of chapter 4. The final two chapters examine development of the online newspaper and its impact on the work of lawyers, librarians, and historians. A selected bibliography of books, articles, web sites, cases, and statutes is included.


This course handbook was prepared as an educational supplement for the PLI’s April 1998 pro-
gram. As with most PLI course handbooks it contains a variety of items dealing with the subject matter of the program. Chapter 1 presents a useful overview of ongoing issues facing book and magazine publishers and a digest of relevant case decisions. There are several chapters on publishing contracts, each containing a number of sample agreements. The chapters on copyright included selections from government copyright documents, pleadings, and briefs. Additional chapters on web publishing, antitrust, advertising, and marketing contain similar collections of analytical essays, source documents, and outlines.


Emeritus journalism professor John Merrill presents his critique of contemporary journalistic ethics in the form of a series of interviews with sixteenth century philosopher, Niccollo Machiavelli. In creating this format reminiscent of C. S. Lewis’s *Screwtape Letters*, Merrill maintains that Machiavelli’s voice is drawn from his own writings and scholarly commentators. Appendices contain Merrill’s construct of Machiavelli’s “Ten Commandment for Journalists,” a brief chronology of the philosopher’s life, and a bibliography.


The essays that comprise *The Revolution Wasn’t Televised* seek to examine the social culture and tensions of the 1960s through the medium of the era’s popular television entertainment. The editors eschew the popular “wasteland” view of television content and explore how issues of racism, sexuality, youth culture, and social conflict were treated in popular programming.


*Mightier than the Sword* presents a series of vignettes of historical events or issues that have been significantly influenced by media coverage. The author traces his view that journalism’s impact goes far beyond merely recording events by analyzing the role of the media in shaping the content of fourteen separate historical events. There are separate chapters on the impact of the press on the pre-twentieth century issues of the American Revolution, the debate on abolition, the beginnings of women’s rights movement, and municipal corruption. Early twentieth century issues of yellow journalism, muckraking, and the efforts to oppose the Ku Klux Klan receive additional chapters. There are also chapters on the more contemporary events of the Vietnam War, the civil rights movement, and McCarthyism. Father Coughlin and Rush Limbaugh are given separate chapters of their own. Endnotes and a bibliography are included.


Originally printed in Great Britain and focusing on publications and practices in that country, *Body Horror* explores the use and impact of grisly photographs of war and catastrophe in the media. First published by the Manchester University Press as part of their series, *The Critical Image*, Taylor’s book examines the psychological responses that photographs of disaster and death elicit from viewers. It further explores the internal restraints which operate on the media through the use of horrific photographs. The author is concerned about how the “body vanishes” in many war accounts—Taylor focuses on the experience of the Gulf War—and the impact that this may have on the journalistic and historical record. A selected bibliography of books and articles is included.


Michael Tracey’s book examines the establishment, growth and problems of public broadcasting in England, Germany, Japan and the United States. Part I provides the background and theoretical basis of public broadcasting. Part II examines in detail the histories of these systems in the post-war world. Part III discusses the impact which new technologies and the increasing reliance on market forces have had on public broad-
casting. The author's conclusions about the state of public broadcasting are detailed in the book's final chapter. A brief bibliography is included.


Watching M*A*S*H attempts to understand the role of television and society by examining the content and impact of one of medium's longest-running and most popular programs. The first two chapters discuss the genre of the television situation comedy and the metamorphosis of M*A*S*H from a novel, to a movie, to a television program. The bulk of the study examines the content of the M*A*S*H episodes in two-season segments. The author discusses the social milieu in which the show operated and the changes that it underwent during its long tenure on television. The final two chapters provide the author's overall assessment of the impact of M*A*S*H and his reflections on television as a vehicle of social values. An appendix contains a guide to each of the M*A*S*H episodes, including writing, directing, and guest star credits, and a plot summary.