
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. Most were published in 2005. 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 SPEECH AND THE PRESS

DAVID S. ALLEN, *DEMOCRACY, INC.: THE PRESS AND LAW IN THE CORPORATE RATIONALIZATION OF THE PUBLIC SPHERE* (2005). ISBN: 0252029755, 200 pp.

Allen's book explores how corporations have influenced democracy and how, in the author's words, "the logic of corporations has been made into the logic of the public sphere." The book also examines how the law and the press have influenced the impact of corporations on democracy. Parts One and Two of the book discuss what the author labels "corporate rationalization"—the impact of the corporate form in the public sphere—and democracy, and includes an exploration of the role of the press and the law. Part Three of the book focuses on the First Amendment and corporate ownership issues. Chapter notes and an index are included in the book.

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ERIC BARENDT, *FREEDOM OF SPEECH* (2d ed. 2005). ISBN: 0199244510, 526 pp.

Barendt's book is an extensive examination of comparative free speech law. This second edition of *Freedom of Speech* is over 200 pages larger than the author's first edition that was published in 1985. Barendt explains in his preface that not only has the last twenty years simply added more cases from England, the United States and Germany, but also that developments in Canada, Australia, and the European Commission have added to the body of the law in this area. Chapter 13 on the Internet is totally new to this second edition. The author includes separate tables for cases from the United Kingdom, the United States, Germany, and the European Commission. There also is a combined table of decisions from Australia, Canada, France, Italy, New Zealand, and South Africa. A bibliography is also included in the book.

FREEING THE PRESSES: THE FIRST AMENDMENT IN ACTION (Timothy E. Cook ed. 2005). ISBN: 080713077, 187 pp.

This collection of papers, written by six social scientists, compares and contrasts the theoretical concept of a free press with how the press actually performs its function. Part One of the book explores the historical origins of the press and the relationship between press law and content. Part Two explores the present day status of the press, democracy, and First Amendment ideals. Part Three explores current interpretations of the freedom of press and the future of journalism in the context of markets, citizenship, and technology.

NATALI HELBERGER, *CONTROLLING ACCESS TO CONTENT: REGULATING CONDITIONAL ACCESS IN DIGITAL BROADCASTING* (2005). ISBN: 9041123458, 308 pp.

In a new addition to *Kluwer Law's International's Information Law Series*, author Helberger examines the interplay of controlled content media (e.g., pay-TV) and the regulatory environment in telecommunications law in Europe. Chapter 1 addresses the technology of controlled access to media content. Chapter 2 examines the controlled access in light of the free flow of information, public broadcasting, and European Commission must-carry regulations. The relevancy and impact of European competition law is the focus of Chapter 3. Chapter 4 deals directly with the European regulatory regimes and controlled content. An extensive bibliography is included.

HUMAN RIGHTS IN THE DIGITAL AGE (Mathias Klang & Andrew Murray, eds. 2005). ISBN: 1904385311, 243 pp.

This book contains a selection of seventeen papers written by leading technology and human rights experts. The collection examines the effect of digital

technology on the exercise and control of human rights in the areas of privacy, freedom of expression, assembly, and access. Of the seventeen contributions there are specific articles on the regulation of the cyber-sex trade, child pornography, hate speech, defamation, cyber-terrorism, and internet service provider liability.

AND THE WALLS CAME TUMBLING DOWN: CLOSING ARGUMENTS THAT CHANGED THE WAY WE LIVE FROM PROTECTING FREE SPEECH TO WINNING WOMEN'S SUFFRAGE TO DEFENDING THE RIGHT TO DIE (Michael S. Lief & H. Mitchell Caldwell eds. 2004). ISBN: 0743246667, 404 pp.

And the Walls Came Tumbling Down is a collection of the closing arguments compiled from major court cases that have defined civil liberties in American society. The eight selections covered include such topics as slavery, the right to die, women's suffrage, and the First Amendment. Among the cases included in the collection are: *Buck v. Bell*, the infamous involuntary sterilization case; John Henry Faulk's challenge to McCarthy-Era blacklisting; Larry Flynt's libel case; and John Peter Zenger's challenge to colonial sedition laws. The text of each closing argument is preceded by an introductory historical sketch provided by the editors.

PAUL MITCHELL, THE MAKING OF THE MODERN LAW OF DEFAMATION (2005). ISBN: 1841133043, 253 pp.

Mitchell's book examines the development of the current law of defamation in England. The treatment is divided into two main sections: Part 1 focuses on the losses suffered by the claimant; Part 2 deals with the wrongs inflicted by the defendant. The author's approach is to trace the historical development each element of defamation law including, where appropriate, a comparative historical analysis with the law in the United States and Commonwealth countries. The absolute privilege against liability for defamation in governmental, parliamentary, and judicial proceedings is explored in Chapter 9. Tables of cases and legislation are included.

MASS MEDIA

JOHN AQUINO, TRUTH AND LIVES ON FILM: THE LEGAL PROBLEMS OF DEPICTING REAL PERSONS AND EVENTS IN A FICTIONAL MEDIUM (2005). ISBN: 0786420448, 210 pp.

This book explores the relationship between fact-based films and the law. Part One presents a history of legal issues related to the fictionalized portrayal of real people and events. In Part Two the author presents a case study of a court case that resulted from a portrayal of events in the film "The Perfect

Storm.” In Part Three, the author examines this issue in the context of thirteen court cases, including, among others, the Scopes Monkey Trial, the court martial of Billy Mitchell, the Klaus Von Bulow trial, and the Nuremberg war tribunals. The author also includes in the book a chapter that focuses on actors who pursue exclusive legal rights to the fictional characters they portray. A bibliography is also included.

MICHAEL ASIMOW & SHANNON MADER, *LAW AND POPULAR CULTURE: A COURSE BOOK* (Peter Lang ed. 2004). ISBN: 0786420448, 273 pp.

A new addition to the publisher’s Politics, Media and Popular Culture series, *Law and Popular Culture* is designed to serve as a textbook for a multidisciplinary course on the portrayal of law and lawyers in popular media. The primary focus is on motion pictures and includes detailed looks at thirteen films. The movies discussed include well-known pictures like *To Kill a Mockingbird*, *The Verdict*, *12 Angry Men*, and *Kramer v. Kramer*. Also included are lesser-known films, such as the 1933 *Counsellor at Law*, starring John Barrymore. There is also a chapter on the law on television, which spotlights *L.A. Law*. The book is organized with three main divisions: the lawyer in the legal profession, the criminal justice system, and the civil justice system. Between three and six films are highlighted under each category. The discussion of each motion picture contains a discussion of the background legal issues and information on the making of the film. Each chapter contains review questions to spark discussion. A bibliography and a list of legal films and television shows are also included.

LORI A. BRAINARD, *TELEVISION: THE LIMITS OF DEREGULATION* (2005). ISBN: 1588262448, 197 pp.

In this book, author Lori Brainard describes three attempts to deregulate the television industry since the 1970s and explains why such efforts resulted in incomplete regulation and periods of re-regulation. Chapter 1 compares three theories of regulation—Market Forces Theory, Industry Determinism Theory, and Contingency Framework—and how these theories work in actual practice. Chapters 2 and 3 trace the origins of the television regulation debate and discuss the ramifications of legislation developed in an attempt to regulate cable television and other new communication technologies. Chapter 4 describes how fragmentation has had an impact on the regulation of television. Chapters 5 and 6 discuss the broader context and limits of deregulation. A bibliography and index are included in the book.

LAWRENCE LESSIG, *FREE CULTURE: HOW BIG MEDIA USES TECHNOLOGY AND THE LAW TO LOCK DOWN CULTURE AND CONTROL CREATIVITY* (2004). ISBN: 1594200068, 345 pp.

In this book cultural critic Lessig examines the impact of commercial and legal trends on copyright in the realm of cyberspace. Lessig argues for a balance between the creators' property interests and society's use interests that will allow the continuation of a "free culture" (free flow of ideas). His exploration includes a discussion of major legal cases in the area of copyright, including the Napster file sharing case. Lessig also discusses potential legislative and non-legislative solutions, including the Creative Commons licensing project. Endnotes are included.

BRIAN LOCKMAN & DON SARVEY, *PIONEERS OF CABLE TELEVISION: THE PENNSYLVANIA FOUNDERS OF AN INDUSTRY* (2005). ISBN: 0786423145, 221 pp.

This book chronicles the development of the cable television industry by presenting biographical vignettes of the people responsible for bringing cable to Pennsylvania, the birthplace of the cable industry. The book covers the contributions of key players such as John Walson, George Gardner, Ralph Roberts, and Bob Tarleton. Interviews with industry players are included in the book. Topics discussed include the origins of cable and the challenges presented to early cable development, and the impact of HBO on the market. An appendix outlines the history of the Pennsylvania Cable Network. Photographs, notes, and a bibliography are also included in the book.

MICHAEL P. MCCAULEY, *NPR: THE TRIALS AND TRIUMPHS OF NATIONAL PUBLIC RADIO* (2005). ISBN: 0231121601, 185 pp.

McCauley's compact book (130 pages of text) provides an historical overview of noncommercial radio broadcasting in the United States. Chapter 2 surveys the period from the dawn of broadcast radio in the 1920s through the creation of National Public Radio in the early 1970s. The presidency of Frank Mankiewicz (1977–1983), which brought NPR both a substantial increase in news programming and a major financial crisis, is chronicled in Chapter 3. This chapter also details the emergence of William Kling, Minnesota Public Radio, and Public Radio International. The final two chapters of the book cover NPR's return to solvency under Douglas Bennett, Delano Lewis, and Kevin Klose. Endnotes, photographs, and an extensive bibliography are included.

TELEVISION ACROSS ASIA: TELEVISION INDUSTRIES, PROGRAM FORMATS AND GLOBALISATION (Albert Moran & Michael Keane eds., 2004) ISBN: 0203180518, 222 pp.

This book examines the relationship between television program formats and the globalization of culture in Asia. The exploration includes a discussion about the amount of program format traffic in Asia, the flow of this traffic, and the economic and cultural impact of traffic on the territories that play a role in it. The discussion also covers the increased competition between broadcasters caused by new technology, privatization, economic recession, and deregulation. The contributing authors discuss this topic in the context of the markets in Japan, South Korea, Taiwan, Hong Kong, China, Singapore, India, Indonesia, the Philippines, Australia, and New Zealand. This book includes fourteen tables that illustrate the concepts discussed. The book also contains a bibliography and an index.

ANDY OPEL, MICRO RADIO AND THE FCC: MEDIA ACTIVISM AND THE STRUGGLE OVER BROADCAST POLICY (2004). ISBN: 0275979148, 168 pp.

Author Opel characterizes the emergence of low power radio broadcasting as a social movement whose activism is raising serious "questions about the role of media in American life." He likens micro radio to the environmental movement in its focus on grassroots societal reform. Chapter 1 applies a "typology" of a social movement to the social activism that is driving the low power radio movement. Chapters 2 and 3 explore the beginnings of the movement using the Micro Radio Listserv as its primary documentary source. Chapter 4 examines newspaper coverage of micro radio. Chapters 5 and 6 examine the governmental response, first at the FCC and later in Congress with the passage of the Radio Broadcasting Preservation Act of 2000. A bibliography is included.

TELECOMMUNICATIONS

ANTITRUST SECTION, AM. BAR ASS'N, TELECOM ANTITRUST HANDBOOK (2005). ISBN: 1590315227, 618 pp.

This guide presents a comprehensive overview of the antitrust dimensions of telecommunications law since the passage of the Telecommunications Act of 1996. The guide is intended for use by telecommunications and antitrust practitioners. Chapter 1 describes the economic aspects of the industry and includes a discussion of market power and network economics, market definition, and economic theories of vertical foreclosure and costs. Chapter 2o examines horizontal mergers and includes a discussion of the application of legal standards, efficiencies, remedies, and private enforcement. Chapters 3 through 5 cover

vertical mergers, joint ventures, and restraints on trade. Chapters 6 through 8 discuss monopolization, immunities, and consumer protection. Chapter 9 examines international telecommunications issues and includes a discussion of telecommunications and antitrust in Canada and the European Union. The guide includes an appendix that provides an overview of telecommunications networks. Another appendix featured in the guide focuses on economic concepts. A table of related cases and an index are included in the guide.

LESLIE CAULEY, *END OF THE LINE: THE RISE AND FALL OF AT&T* (2005). ISBN: 0743250257, 301 pp.

In this book, Leslie Cauley, telecommunications reporter for USA Today, describes the why and how of AT&T's retreat from the residential market in 2004. Quite simply, she describes her task in classic journalistic terms: "to explain what happened to AT&T and why." Based on more than 100 interviews, Cauley describes the progression of events from the point of view of the key players and employees associated with AT&T.

ROBERT W. CRANDALL, *COMPETITION AND CHAOS: U.S. TELECOMMUNICATIONS SINCE THE 1996 TELECOM ACT* (2005). ISBN: 0815716176, 212 pp.

This book explores the effect of the 1996 Telecommunications Act on consumers and telecommunications companies. The author, Robert Crandall, argues that deregulation is required in order for market forces to motivate needed investments. The author discusses the impact of the 1996 Act on consumers and investors, and the impact of new technologies, such as broadband Internet and cellular wireless systems, on the market climate. As part of this discussion, Crandall outlines the struggle for market dominance among wireless carriers, the Bell telephone companies, and cable companies. An appendix included in the book outlines estimates of the Bell Company cumulative capital expenditures across states from 1996–2003. The book also contains notes and an index.

ANNABEL Z. DODD, *THE ESSENTIAL GUIDE TO TELECOMMUNICATIONS* (Prentice-Hall Professional Technical Reference 4th ed. 2005). ISBN: 0131487256, 594 pp.

Dodd's book, a part of the publisher's Essential Guide Series, presents a comprehensive overview of the technology and structure of the telecommunications industry. It does not presuppose a technical background and is intended for a wide audience of persons involved in some way in telecommunications. Part I provides the technical fundamentals of digital communication. Part II focuses on the structure of the telecommunications industry and public networks. Cable, satellite, and the Internet are addressed in Part III. Wireless

communication is the subject of the book's last major section. The *Essential Guide* contains many tables and illustrations and each major part concludes with an appendix providing a useful summary. A glossary and bibliography are also included.

REAL LAW @ VIRTUAL SPACE: COMMUNICATION REGULATION IN CYBERSPACE (Susan J. Drucker & Gary Gumpert eds., Hampton Press 2d ed. 2005). ISBN: 1572735511, 381 pp.

Real Law @ Virtual Space is a new contribution to the Hampton Press Communication Series. The book is a collection of sixteen essays that explore the intersection of the law and information technology. The editors cite the increased use and importance of the Internet and the issues raised in our post-9/11 environment as necessitating a second edition of the book in just five years. The editors include five essays on pornography and indecency in cyberspace, three essays on copyright and other property issues, and five contributions on personal liability, privacy and cyber-crime. Each essay has endnotes and a general case index is included.

FRED R. GOLDSTEIN, THE GREAT TELECOM MELTDOWN (2005). ISBN: 1580539394, 191 pp.

This book traces the telecommunications industry from its nineteenth century origins through the regulation of the twentieth century, and the subsequent piecemeal reintroduction of competition. The author argues that the piecemeal approach to regulation resulted in litigation, an uncertain regulatory environment, and a negative investment environment. Chapters 1 and 2 describe the "Ma Bell" monopoly and the introduction of competition. Chapters 3 through 5 focus on a discussion of divestiture, the impact of the Internet, and second generation networks. Chapters 6 and 7 examine wireless license auctions and local service competition issues. Chapters 8 and 9 discuss DLECs, ELECs, and CLECs. Finally, Chapter 10 discusses other factors that contributed to the "meltdown" of the telecommunications industry including the role of investor's decisions and the relationship between WorldCom and AT&T.

ALISON HARCOURT, THE EUROPEAN UNION AND THE REGULATION OF MEDIA MARKETS (2005). ISBN: 0719066441, 258 pp.

In this book, author Alison Harcourt explores whether media market regulation is advancing European integration by challenging the composition of the European Union policy. Chapters 1 through 3 examine the evolving regulation of the European Union market governed by judges, and the shaping of national markets by the Directorate General for Competition. Chapters 4 and 5 explore the effect of the Commission and Parliament, and interest groups on media

market regulation. Chapters 7 and 8 describe the effect of European media policy on market development and explore how European Union institutions have had an impact on national regulation. Appendixes include a chronology of European Union legislation (1989–2004). Appendixes in the book also include a list of European Court of Justice and Court of First Instance cases (1974–2003). Several tables and figures illustrate concepts described in the book.

JEFFREY A. HART, *TECHNOLOGY, TELEVISION, AND COMPETITION: THE POLITICS OF DIGITAL TV* (2004). ISBN: 0521826241, 248 pp.

Hart's book explores the debate over the development of digital television standard between 1984 and 1997 in the United States, Western Europe, and Japan. Hart examines the implications of this debate on a specific technology in light of larger issues of global competitiveness, digital convergence, and competing theories of regulation. Hart's study is based on documentary sources, interviews with major figures involved in the debate, and the compilation of statistical information on the consumer electronics industry. Footnotes are included and a list of acronyms.

JONATHAN E. NUECHTERLEIN & PHILIP J. WEISER, *DIGITAL CROSSROADS: AMERICAN TELECOMMUNICATIONS POLICY IN THE INTERNET AGE* (2005). ISBN: 0262140918, 670 pp.

Digital Crossroads addresses the many issues involved in regulating competition in the telecommunications industry. The authors intend for the book to both provide sufficient background for the non-specialist beginner and to contribute to the ongoing policy debate among specialists in the field. Chapter 2 on wireless telecommunications, Chapter 4 on Internet technology, and Chapter 8 on mobile wireless services provide detailed introductions to the non-specialist readers. The authors examine legal issues and court decisions that affect the field, but focus as well on the economics and technology in the telecommunications industry. Extensive documentary endnotes are included (over 100 pp.), as well as a table of authorities, glossary, and bibliography. There is also a "statutory addendum" containing relevant provisions from the U.S. Code.

JIM ROSSI, *REGULATORY BARGAINING AND PUBLIC LAW* (2005). ISBN: 0521838924, 274 pp.

In this book author Jim Rossi argues that governmental institutions and the private stakeholders that often influence them are responsible for the problems that plague deregulated markets. Rossi builds this argument by examining public law and institutional government in the electric power and telecommunications industries from a "bargaining perspective." Part One of the book dis-

cusses the effect of judicial intervention in the public utilities industries during the twentieth century and the challenges of deregulation to public law. Part Two of the book examines how public law motivates private stakeholders and public institutions in the context of a political process that is “bargaining focused.” Also in the book, the author describes a set of default rules that courts could use to address these issues. Also included is a list of documentary sources and an index of primary legal authorities.