
BIBLIOGRAPHY OF RECENT BOOKS IN COMMUNICATIONS LAW

Patrick J. Petit*

The following is a selective bibliography of recent books in communications law and related fields. All were published in 2001. 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

THE FIRST AMENDMENT AND CIVIL LIABILITY Robert M. O'Neil. Bloomington, IN: University of Indiana Press, 2001. ISBN: 0253340330. 184 pages.

O'Neil's book examines the emerging threat to traditional First Amendment protections posed by civil litigation brought by private parties. Highly publicized litigation like the *Hit Man Manual* case (*Rice v. Paladin*) and the suit against Oprah Winfrey by Texas cattle producers has brought new prominence to these questions. The author, the director of the Thomas Jefferson Center for the Protection of Free Expression at the University of Virginia, discusses a variety of issues raised by these civil actions, including the impact of the Internet.

THE FREE AND OPEN PRESS: THE FOUNDING OF AMERICAN DEMOCRATIC PRESS LIBERTY, 1640-1800 Richard W. T. Martin. New York, NY: New York University Press, 2001. ISBN: 0814756557. 239 pages.

Richard Martin's book analyzes the conceptual history of American press liberty in the 17th and 18th centuries. Chapter 1 explores the English roots of press freedom as the background against which American concepts developed. The chapter entitled "The Coming of the Crisis" focuses on developments in the 17th Century, particularly the seditious libel trial of John Peter Zenger. Chapters

4 and 5 examine the making of the First Amendment and the concept of press liberty to emerge from the controversies of the early years of the new republic. Extensive endnotes and a bibliography are included.

FREEDOM OF THE AIR AND THE PUBLIC INTEREST: FIRST AMENDMENT RIGHTS IN BROADCASTING TO 1935 Louise Margaret Benjamin. Carbondale, IL: Southern Illinois University Press, 2001. ISBN: 0809323672. 307 pages.

FREEDOM OF THE AIR AND THE PUBLIC INTEREST explores First Amendment issues in broadcast radio's first decades. This historical study focuses primarily on the impact of the Radio Act of 1927 and concludes with the passage of the Communications Act of 1934. The book contains chapters examining political speech, religious broadcasting and censorship during this formative period.

THE HOLOCAUST ON TRIAL D. D. Guttenplan. New York, NY: W.W. Norton and Company, 2001. ISBN: 0393020444. 328 pages.

First published in England under the title **THE HOLOCAUST ON TRIAL: HISTORY, JUSTICE AND THE DAVID IRVING LIBEL TRIAL**, this book is a journalist's account of this highly-publicized British libel case. Consult the entry for Evans, *Lying About Hitler, supra*, for a reference to another book on the Irving trial published in 2001.

LIBEL LAW: A JOURNALIST'S HANDBOOK. SECOND EDITION Damien McHugh. Dublin: Four Courts Press, 2001. ISBN: 1851826408. 96 pages.

The author, a barrister and journalist, seeks to provide a vade mecum for the journalist reporting on events in the Irish court system. The core of this slim volume is its first two chapters that examine the elements of the libel action and its defenses. Chapter 3 provides practical information

* B.A., Benedictine University; J.D., The Catholic University of America; M.L.S., University of Maryland; Associate Director and Head of Public Services, Kathryn J. DuFour Law

Library, Columbus School of Law, The Catholic University of America, Washington, D.C.

on navigating the mechanics of the Irish court system. Additional chapters discuss issues of privacy, journalistic privilege and restrictions on reporting. Appendices include the text of the 1961 Defamation Act and a glossary of legal terms. The first edition of this book was published in 1989.

LYING ABOUT HITLER: HISTORY, HOLOCAUST, AND THE DAVID IRVING TRIAL Richard J. Evans. New York, NY: Basic Books, 2001. ISBN: 0465021522. 318 pages.

LYING ABOUT HITLER is Cambridge historian Richard Evans' account of his involvement in the David Irving libel trial. Evans was an expert witness for defendant Deborah Lipstadt and her publisher, Penguin Books. The book's first five chapters detail Evans' historical investigations of the Holocaust that became the substance of his trial testimony. Chapters 6 and 7 present an account of the trial and its aftermath. Also published in 2001 was another book on the Irving trial, *The Holocaust on Trial* by D. D. Guttenplan (Norton, 2001).

SECRETS OF VICTORY: THE OFFICE OF CENSORSHIP AND THE AMERICAN PRESS AND RADIO IN WORLD WAR II Michael S. Sweeney. Chapel Hill, NC: University of North Carolina Press, 2001. ISBN: 0807825980. 274 pages.

SECRETS OF VICTORY tells the story of the World War II Office of Censorship and its director, Byron Price. Sweeney's account attempts to explain why the Office's program of voluntary domestic censorship "had so many successes and so few failures." The author's account is based on research into the Office of Censorship's records at the National Archives and the personal papers of Byron Price. Endnotes and an extensive bibliography are included.

SPEECH, MEDIA, AND ETHICS: THE LIMITS OF FREE EXPRESSION: CRITICAL STUDIES ON FREEDOM OF EXPRESSION, FREEDOM OF THE PRESS, AND THE PUBLIC'S RIGHT TO KNOW Raphael Cohen-Almagor. New York, NY: Palgrave, 2001. ISBN: 0312236077. 217 pages.

SPEECH, MEDIA, AND ETHICS is a collection of the author's essays exploring the limits of speech and press freedom. The book's first three chapters discuss harmful or hate speech, the right to demonstrate and the right of political parties to participate in elections (focusing on the Israeli election system). Chapters 4 through 6 examine concepts of media ethics, including a comparative case

study on the media coverage of suicide. Chapter 7 appraises the operation of press councils in Britain, Canada and Israel. Endnotes and a table of cases are included.

MASS MEDIA

BROADCASTING IN THE EUROPEAN UNION: THE ROLE OF PUBLIC INTEREST IN COMPETITION ANALYSIS Ingrid Nitsche. The Hague: T.M.C. Asser Press, 2001. ISBN: 9067041319. 193 pages.

Nitsche's book addresses the tension between the traditional role of broadcasting in Europe as a public service resource and television's emerging role as a commercial entertainment medium. The book is divided into two parts. Part I examines the economic and political context of broadcasting policy. Part II assesses broadcasting from a "competitive perspective." A bibliography is included.

COMMUNICATION LAW IN AMERICA Paul Siegel. Boston, MA: Allyn and Bacon, 2001. ISBN: 0205289878. 554 pages.

Designed as a textbook for a media law course, **COMMUNICATIONS LAW IN AMERICA** covers a broad range of issues with chapters on the U.S. legal system, First Amendment issues, defamation, privacy, copyright, advertising, journalistic practices, media regulation and the Internet. Each chapter contains footnote references to sources and frequent bulleted summaries of important concepts that the author entitles "Things to Remember." Also included is a glossary of terms.

COMMUNITY RADIO AND PUBLIC CULTURE: BEING AN EXAMINATION OF MEDIA ACCESS AND EQUITY IN THE NATIONS OF NORTH AMERICA Charles Fairchild. Cresskill, N.J.: Hampton Press: 2001. ISBN: 1572733497. 309 pages.

This book is the latest addition to the Hampton Press Communication Series. The author explores the place of community radio and its contribution to public discourse in a media environment largely dominated by commercial media conglomerates. Chapter Four provides a concise history of the development of both the concept and reality of community radio. Endnotes and a bibliography are included.

THE CONCISE ENCYCLOPEDIA OF ETHICS IN POLITICS AND THE MEDIA Ruth Chadwick, ed. San Diego, CA: Academic Press, 2001. ISBN: 0121662551. 335 pages.

Among the **CONCISE ENCYCLOPEDIA**'s thirty-

three entries are articles exploring ethical issues in broadcast journalism, confidentiality, press freedom, censorship, privacy, national security and a wide variety of related topics. While the articles are concise, they are still substantial, averaging over nine pages in length. Each article contains an outline of its treatment of the subject, a glossary of terms and a bibliography.

THE DIGITAL DIVIDE: FACING A CRISIS OR CREATING A MYTH? Benjamin M. Compaine, ed. Cambridge, MA: MIT Press, 2001. ISBN: 0262531933. 357 pages.

Compaine's book presents a collection of essays that addresses the issue of the "digital divide," the information gaps that exist—or it is commonly feared exist—along ethnic, racial, geographical and economic lines. The editor's overall conclusion is that these studies indicate that such gaps are disappearing as the cost of computer equipment has fallen and Internet technology has become easier to use. While many of the contributions to this collection mirror the editor's view, others view the "digital divide" as a more severe and persistent societal problem.

HANDBOOK OF CHILDREN AND THE MEDIA Dorothy G. Singer and Jerome L. Singer, eds. Thousand Oaks, CA: Sage Publications, 2001. ISBN: 0761919546. 765 pages.

The **HANDBOOK** is a collection of thirty-nine research articles dealing with the impact of media—particularly television—on children in America. Of particular interest is Part III that presents eight articles specifically addressing legal and public policy issues concerning media and children. A general index is included and each article contains endnotes and bibliographical references.

INVISIBLE STARS: A SOCIAL HISTORY OF WOMEN IN AMERICAN BROADCASTING Donna L. Halper. Armonk, NY: M. E. Sharpe, 2001. ISBN: 0765605813. 331 pages.

The latest contribution to the publisher's *Media, Communication, and Culture in America* series, **INVISIBLE STARS** is a work of social history that examines both the largely overlooked accomplishments of women in broadcasting and broadcasting's role in shaping cultural attitudes toward women. Each decade of broadcasting history receives a separate chapter and each ends with a timeline outlining significant accomplishments by female broadcasters. Photographs, endnotes and a selected bibliography are included.

PUBLISHING AND THE LAW: CURRENT LEGAL ISSUES. A. Bruce Strauch, ed. New York, NY: Haworth Press, 2001. ISBN: 0789007770. 203 pages.

Co-published as issue 26 of **THE ACQUISITIONS LIBRARIAN**, this collection of articles explores current legal issues affecting publishers and authors in the areas of copyright, constitutional law, taxation, torts and antitrust. The collection's editor contributed an article entitled "The Tort Liability of Publishers." There is a general index covering the contents of all articles.

RADIO PATENT LISTS AND INDEX, 1830-1980 David W. Kraeuter. Lewiston, NY: Edwin Mellen Press, 2001. ISBN: 0773475206. 608 pages.

This reference work provides lists of the patents granted to 100 American and British pioneers of electronic communication. Well-known communications pioneers like Alexander Graham Bell, Edwin Armstrong, David Sarnoff and A. Atwater Kent are included, as well as many less celebrated inventors. Thomas Edison and Nikola Tesla are not included because of the prodigious number of patents granted to each and because their patent history is exhaustively covered by other works. Each list includes the title of the patent, its patent number and the date the patent was issued. A keyword index allows access to the lists by patent title.

REBELS ON THE AIR: AN ALTERNATIVE HISTORY OF RADIO Jesse Walker. New York, NY: New York University Press, 2001. ISBN: 0814793819. 326 pages.

In **REBELS ON THE AIR**, journalist Jesse Walker explores the often-haphazard world of radio at the margins of the dial. He chronicles the history of alternative broadcasting, exploring the amateur broadcasters of radio's first and largely unregulated decades, pirate radio stations, citizen's band, micro-radio, counterculture radio and the Internet. Endnotes are included.

REGULATING THE FUTURE: BROADCASTING TECHNOLOGY AND GOVERNMENTAL CONTROL W. A. Kelly Huff. Westport, CT: Greenwood Press, 2001. ISBN: 0313314683. 233 pages

A new publication in the Greenwood Press series *Contributions to the Study of Mass Media and Communications*, **REGULATING THE FUTURE** examines the technological development and standard-setting regulation of AM Stereo, DAB (digital audio broadcasting) and HDTV (high-definition TV). The author details the interplay of market-

place factors, consumer acceptance and FCC rulemaking. An extensive bibliography is included.

TABLOID JUSTICE: CRIMINAL JUSTICE IN AN AGE OF MEDIA FRENZY Richard L. Fox and Robert W. Van Sickel. Boulder, CO: Lynne Rienner Publishers, 2001. ISBN: 1555879136. 225 pages.

TABLOID JUSTICE studies the media coverage of high-profile criminal cases in the 1990s and attempts to assess the impact of that coverage on public perception of the criminal justice system. The authors conclude that tabloid-style media coverage has distorted the public's perception of the criminal justice system and weakened the public's confidence in its processes. Central to book's conclusions is a 1999 national opinion poll addressing these issues. Included in the book are numerous statistical tables, endnotes and a bibliography.

WHO OWNS THE MEDIA? Simeon Djankov and others. Cambridge, MA: National Bureau of Economic Research, 2001. 34 pages.

This NBER Working Paper (number 8288) studies media ownership in 97 countries worldwide. It examines the extent of government and private ownership, the various forms of private ownership and the prevalence of monopolies. The results are captured in a series of statistical tables. Bibliographic references are included. This study is available in PDF from the NBER web site (<http://www.nber.org/papers/W8288.pdf>).

TELECOMMUNICATIONS

2000 TELECOMMUNICATIONS LAWS Robert D. Boerner and Janna Goodwin. Washington, D.C.: National Conference of State Legislatures, 2001. ISBN: 1580241417. 45 pages.

This report by the National Conference of State Legislatures lists new telecommunication laws enacted by state legislatures in sixteen categories ranging from cable television to universal service. Each entry provides a summary of the legislation, the Bill and Act number and date of enactment. Summary charts are included that provide an overview of legislative activity by state and by subject category.

AN INTRODUCTION TO U.S. TELECOMMUNICATIONS LAW. SECOND EDITION Charles H. Kennedy. Boston, MA: Artech House, 2001. ISBN: 089006380X. 374 pages.

A new addition to the Artech House Telecommunications Library, this second edition essentially rewrites the author's earlier book that was published just before the 1996 Telecom Act. As described in his introduction, the author's intention is to provide a survey of important themes in telecommunications law to an audience without a specialized knowledge of law, economics or technology. In particular, Appendix A addresses that goal by providing a short course in the economics that underlies current communications law. Each chapter contains endnotes and selected portions of the Telecom Act are reprinted in the appendix.

COMMUNICATIONS DEREGULATION AND FCC REFORM: FINISHING THE JOB Jeffrey A. Eisenach and Randolph J. May, eds. Boston, MA: Kluwer Academic Publishers, 2001. ISBN: 0792374533. 234 pages.

The articles collected in **COMMUNICATIONS DEREGULATION** were presented at a Progress and Freedom Foundation conference held in Washington, D.C. in December 2000. The editor's intent, as outlined in the book's first chapter, is to address the next phase of reform ushered in by the 1996 Telecom Act. Individual essays address such "hot-button" issues as universal service, the public interest standard, competition, program content regulation, spectrum allocation and related topics in communications deregulation.

THE DEACONS' GUIDE TO TELECOMMUNICATIONS IN ASIA Hong Kong: Asia Law & Practice, 2001. ISBN: 9629360926. 256 pages.

Deacons is a major Asian corporate law firm headquartered in Hong Kong. Their *Guide* provides an overview of the telecommunications landscape in Asia in this collection of short reports authored mostly by attorneys in the firm's branch offices. The major portion of the **GUIDE** is the "Country Focus" section that provides a survey of the telecommunications legislative and regulatory schemes of 13 Asian jurisdictions.

FCC LOBBYING: A HANDBOOK OF INSIDER TIPS AND PRACTICAL ADVICE Erwin G. Krasnow, David R. Siddall and Michael D. Berg. Washington, D.C.: Telecommunications Reports International, 2001. ISBN: 0938866230. 225 pages.

FCC LOBBYING is a practical guide to advocacy before the FCC. The handbook's first three chapters address lobbying strategy and the rules of the road for effective advocacy. Chapters 4 through 6 provide an explanation of the FCC decision-mak-

ing process and the functions of the agency's bureaus and offices. The appendices are substantial, occupying nearly one-half of the book's 225 pages. They include a directory of telecommunications trade associations and organizations, a guide to the FCC web site and other useful web links, a guide to the FCC's headquarters building, a compilation of basic statutes governing FCC decisions and procedures and a variety of sample forms and reports.

FOUNDATIONS OF COMMUNICATIONS POLICY: PRINCIPLES AND PROCESS IN THE REGULATION OF ELECTRONIC MEDIA Philip M. Napoli. Cresskill, NJ: Hampton Press, 2001. ISBN: 157273342X. 344 pages.

Philip Napoli's book attempts a systematic treatment of the policy principles that underlie and have shaped communications regulation in the United States. His treatment includes chapters on the First Amendment, the public interest, the marketplace of ideas, universal service, diversity and localism. The book's final three chapters explore the policymaking process, the limits of policy analysis and policymaking in the current regulatory environment. An extensive bibliography is included.

THE INVISIBLE EMPIRE: A HISTORY OF THE TELECOMMUNICATIONS INDUSTRY IN CANADA Jean-Guy Rens. Montreal: McGill-Queen's University Press, 2001. ISBN: 077352052X. 383 pages.

THE INVISIBLE EMPIRE traces the history of telecommunications in Canada from the first Toronto to Hamilton telegraph line in 1846 through the 1956 AT&T consent decree that severed Canada's Northern Electric from the American Bell system. The text is complemented with many photographs and provides endnotes and a bibliography. McGill-Queen's University Press published another book on Canadian telecommunications history in 2001—*Telecom Nation* by Laurence Muscio. Muscio's book is noted elsewhere in this bibliography.

SATELLITE HOME VIEWER IMPROVEMENT ACT OF 1999: A LEGISLATIVE HISTORY OF PUBLIC LAW NO. 106-113 APPENDIX I, 113 STAT. 1501 A-521 William H. Manz, ed. Buffalo, NY: William S. Hein and Company, 2001. ISBN: 157588660X. 2 volumes.

The Satellite Home Viewer Improvement Act was enacted as part of the Intellectual Property and Communications Omnibus Reform Act of 1999. Its purpose was to encourage competi-

tion between cable and satellite carriers. This two-volume set reprints all relevant documents that comprise the Act's legislative history. Volume 1 contains the text of the Act, the committee reports, remarks and other documents from the *Congressional Record*, the versions of the bill and the presidential signing statement. Of particular note is document no. 22, a section-by-section analysis of the underlying Senate bill reproduced from the *Congressional Record*. Volume 2 reprints committee hearings from 1993 to 1999 related to the Act.

SATELLITE REGULATION IN EUROPE: LEGAL TEXTS AND MATERIALS Stephan Le Goueff ed. Boston, MA: Kluwer Law International, 2001. ISBN: 9041113460. 766 pages.

SATELLITE REGULATION IN EUROPE is a compendium of documents dealing with the commercial use of satellites in telecommunications. A wide variety of documents are included from the European Community, the European Conference of Postal and Telecommunications Administration, the International Telecommunications Union, the World Trade Organization and the United Nations.

SECURITY, RIGHTS, AND LIABILITIES IN E-COMMERCE Jeffrey H. Matsuura. Boston, MA: Artech House, 2001. ISBN: 1580532985. 250 pages.

A new addition to the Artech House Telecommunications Library, SECURITY, RIGHTS AND LIABILITIES is practical in purpose and attempts to provide a general understanding of the major security issues of e-commerce. The full gamut of electronic security issues is covered, including preventing system misuse and unauthorized access, protecting data and intellectual property and maintaining transactional integrity in commercial transactions. Following each chapter's discussion of the legal issues are appendices providing practical checklists and sample documents. A selected bibliography is included.

TELECOM DEALS NOW: UNDERSTANDING THE INTERPLAY OF REGULATORY, CORPORATE, SECURITIES & BANKRUPTCY ISSUES Bruce R. Kraus, Harvey I. Saferstein and Walt Saponov, Co-Chairs. New York, NY: Practising Law Institute, 2001. ISBN: 1402400128. 768 pages.

This PLI Course Handbook focuses on telecom transactions in light of the industry's recent economic downturn. The Handbook provides background materials and readings that accompanied

PLI's program of August and September 2001 and includes chapters on mergers and acquisitions, financing and bankruptcy. Noteworthy are chapters 16 through 18 that discuss ethical issues in communications practice. The chapters include a guide to researching ethical issues, the text of applicable ethical rules and several case studies.

TELECOM NATION: TELECOMMUNICATIONS, COMPUTERS, AND GOVERNMENTS IN CANADA Laurence B. Mussio. Montreal: McGill-Queen's University Press, 2001. ISBN: 0773521755. 307 pages.

TELECOM NATION presents a history of telecommunications development in Canada from the end of World War II to 1975. The author examines the interplay of emerging technologies and regulatory policy in Canadian telecommunications at the dawn of the computer age. The appendix contains a number of statistical tables. Photographs, endnotes and a bibliography are also included. McGill-Queen's University Press published another history of Canadian telecommunications—**THE INVISIBLE EMPIRE** by Jean-Guy Rens in 2001. Ren's book, with complete bibliographic information and a descriptive annotation, is referenced elsewhere in this bibliography.

TELECOMMUNICATIONS LAW Ian Walden and John Angel, eds. London: Blackstone Press, 2001. ISBN: 1841741213. 547 pages.

Walden and Angel's book consists of a collection of articles designed to serve as a textbook for graduate courses in telecommunications law in the United Kingdom. There are individual chapters examining the telecommunications regime in the United Kingdom, the United States, the European Union and emerging international markets. There are also topical chapters addressing telecommunications economics, privacy, competition and regulatory convergence from a British perspective. Tables of cases and legislation are included.

TELECOMMUNICATIONS LAW IN THE INTERNET Sharon K. Black. San Francisco, CA: Morgan Kaufmann Publishers, 2001. ISBN: 1558605460. 516 pages.

This new contribution to the publisher's Series in Networking provides an overview of contemporary communications law intended for telecommunication and legal professionals. The book's first four chapters address U.S. telecommunications, particularly after the 1996 Telecom Act. Part II consists of three chapters on issues of international telecommunications and trade. The final section examines legal issues of new technology, including privacy, encryption, copyright and electronic commerce. Each of the book's ten chapters contains endnote references. The appendices provide a list of key federal and state documents addressing issues covered in the book.

WHOM THE GODS WOULD DESTROY, OR, HOW NOT TO DEREGULATE Alfred E. Kahn. Washington, D.C.: AEI Press, 2001. ISBN: 0844771562. 86 pages.

This volume is the initial offering in the AEI-Brooking Joint Center for Regulatory Studies Distinguished Lecture Series. His lecture addresses the continuing process of introducing competition into industries historically treated as public utilities. He focuses primarily on the telecommunications industry and examines the features of its "regulated transition to unregulation." Endnotes and a bibliography are included. A PDF version of the book is available on the Joint Center's web site at <http://www.aei.brookings.org/publications/books/kahn.pdf>.

WORKING WITH THE FCC IN THE NEW MILLENNIUM: FROM REGULATION TO ENFORCEMENT Robert L. Pettit. Chair. New York, NY: Practising Law Institute, 2001. ISBN: 0872249212. 479 pages.

This Course Handbook is a collection of materials that accompanied PLI's program of February 2001. Among the materials included are documents from the FCC's Enforcement Bureau, relevant statutory provisions and FCC rules and a variety of FCC documents and actions in the areas of local competition, slamming, operator services, unsolicited advertising, universal service and mergers.