

12-2011

Editor's Note

Sarah L. Kellogg
Indiana University Maurer School of Law

Follow this and additional works at: <https://www.repository.law.indiana.edu/fclj>



Part of the [Communications Law Commons](#)

Recommended Citation

Kellogg, Sarah L. (2011) "Editor's Note," *Federal Communications Law Journal*: Vol. 64 : Iss. 1 , Article 1.
Available at: <https://www.repository.law.indiana.edu/fclj/vol64/iss1/1>

This Special Feature is brought to you for free and open access by the Law School Journals at Digital Repository @ Maurer Law. It has been accepted for inclusion in Federal Communications Law Journal by an authorized editor of Digital Repository @ Maurer Law. For more information, please contact rvaughan@indiana.edu.



JEROME HALL LAW LIBRARY
INDIANA UNIVERSITY
Maurer School of Law
Bloomington

EDITOR'S NOTE

Welcome to the inaugural Issue of the sixty-fourth Volume of the *Federal Communications Law Journal*, the nation's premier communications law journal and the official journal of the Federal Communications Bar Association. On behalf of the Volume 64 *Journal* staff, I am pleased to present the Articles and Notes in this Issue.

The Issue opens with an Article by W. Wat Hopkins exploring the evolution of First Amendment jurisprudence in the context of emotive speech. His discussion focuses on *FCC v. Fox Television Stations*, as the Author concludes that the Court should provide more comprehensive protection for emotive speech as conveyed through nontraditional language.

In the following Article, Allen P. Grunes and Maurice E. Stucke examine the recent AT&T/T-Mobile transaction from an antitrust perspective. The Authors explore the influence of political lobbying in pressuring the Department of Justice to settle their case against AT&T/T-Mobile, but ultimately argue that a combination of forgiving campaign finance rules and antitrust laws is the crux of the problem.

Next, Navigant Economics' Jeffrey A. Eisenach offers an in-depth analysis of the National Broadband Plan's proposals on spectrum. By reallocating 500 MHz of spectrum to mobile broadband via incentive auctions and similar voluntary mechanisms, the Author argues that the Plan's approach represents a significant bipartisan advancement toward a more dynamic, market-oriented approach to spectrum allocation.

In the final Article of Issue 1, attorney Thomas W. Snyder and Dr. William Fitzsimmons scrutinize government use of the public right-of-way under the Telecommunications Act of 1996. The Authors point out the inconsistent applications of Section 253 of the Act, and call on the FCC to use the National Broadband Plan process (by either rulemaking or issuing guidelines) to restore the original intent of Section 253.

Third-year members of the *Journal* staff have contributed three Notes to round out the content of Issue 1. Christopher A. Pierce focuses on the exceptions clause of the *Miller* obscenity standard, arguing that such clauses are inadequate to protect statutes from invalidation on overbreadth grounds. James G. Parker examines the status of statewide cable franchise laws in various states, making various recommendations to temper municipality-based cable system monopolies. Finally, Ariel Y. Bublick traces the development of antitrust law, discusses the history of professional football's relationship with television, and ultimately argues that the NFL's Sunday Ticket package agreement with DirecTV violates antitrust laws.

The Editorial Board thanks all of its authors for their dedicated scholarship throughout the drafting and editing process. We also extend our gratitude to the Federal Communications Bar Association for its continued guidance and support. Finally, we thank the *Journal* editors and staff; without their tireless effort, this Issue would not have been possible.

The *Journal* is committed to providing its readership with expansive coverage of topical communications law issues, and we appreciate the continued support of contributors and readers alike. As always, we welcome

your feedback and submissions—any questions or comments about this Issue or future issues may be directed to fclj@indiana.edu, and any submissions for publication consideration may be directed to fcljsae@indiana.edu. This Issue and our archive are available at <http://law.indiana.edu/fclj>.

Sarah L. Kellogg
Editor-in-Chief