

EDITOR'S NOTE

This summer, the Federal Communications Bar Association selected the George Washington University Law School as the new host institution for the Federal Communications Law Journal ("FCLJ"). We are honored to hold this distinction. On behalf of the George Washington FCLJ team, I would like to thank everyone at the University of Indiana's Maurer School of Law, who worked tirelessly to produce the FCLJ over the years. We have big shoes to fill, and Indiana's editorial board has helped us make a smooth transition.

We are excited to take advantage of all that the Washington, D.C. area has to offer the FCLJ, such as the Federal Communications Commission ("FCC"), the Federal Communications Bar Association, and many of the nation's communications attorneys. We would like to extend special thanks to the Chairman of the FCC, Julius Genachowski, for speaking at our inaugural reception, and to the members of the Washington-area communications law community for their overwhelming support.

The issue opens with an article by David Opderbeck, professor of law at Seton Hall University, discussing cybersecurity reform and the executive power to shut down all or part of the Internet in the event of a cyber-emergency or cyberwar. Professor Opderbeck evaluates the language, history, and application of section 606 of the Communications Act of 1934, and argues that cybersecurity reform should include explicit executive emergency powers with clear and appropriate limitations.

Next, Frank W. Krogh, a telecommunications regulatory attorney at Wilkinson Barker Knauer, LLP, discusses the judicial review of the FCC's denial of streamlined tariff protests. Mr. Krogh argues that judicial review should be available to parties who unsuccessfully challenge streamlined LEC tariffs because the damages immunity conferred by such protest denials cannot be remedied by either courts or the FCC.

Then, T. Randolph Beard and Michael Stern, Senior Fellows at the Phoenix Center for Advanced Legal & Economic Public Policy Studies, along with Chief Economist George S. Ford, and President Lawrence J. Spiwak, also from the Phoenix Center, present an economic theory of market performance that addresses the "Spectrum Crunch." Given the FCC's stated position on spectrum exhaustion, the authors argue that the FCC needs to re-orientate the way it thinks about spectrum policy.

After that, the issue turns to its note: Hugh Campbell, a third-year law student at the University of Indiana's Maurer School of Law, evaluates the constitutionality of the FCC's restrictions on tobacco advertising and compares it with the self-regulatory model of advertising employed by alcohol companies. Mr. Campbell concludes that the Supreme Court will be more deferential in its First Amendment analysis for tobacco advertising regulations.

The Editorial Board thanks all of its authors for their dedicated scholarship throughout the drafting and editorial process. We also express our gratitude to the Federal Communications Bar Association for its continuing

guidance and mentorship, specifically Deborah J. Salons, Edgar Class, Lawrence J. Spiwak, Richard K. Welch, Stan Zenor, and Laura Philips. Finally, I want thank the FCLJ editors and staff; without their hard work, this issue would not have been possible.

The FCLJ is committed to providing its readership with substantive coverage of relevant topics in communications law, and we appreciate the continued support of contributors and readers alike. We welcome your feedback and submissions—any questions or comments about this issue or future issues may be directed to fclj@law.gwu.edu, and any submissions for publication consideration may be directed to fcljarticles@law.gwu.edu.

Dennis W. Holmes
Editor-in-Chief