

EDITOR'S NOTE

Welcome to the Second Issue of the *Federal Communications Law Journal*, Volume 58. The *FCLJ* is the official journal of the Federal Communications Bar Association and seeks to provide timely and important analysis in communications law and policy.

Few issues are more timely and important than the recent *Brand X* decision and the distinction between information services and telecommunications services. Accordingly, the first Article, by Indiana University (“IU”)-*FCLJ* alumnus Steven Rich, addresses both the *Brand X* decision and the eroding legal distinction between Title I and Title II services. Another issue of fundamental importance, spectrum regulation, is addressed by our second Article, written by Charles Jackson, Raymond Pickholtz, and Dale Hatfield. These Authors counter the claim that spread spectrum eliminates interference and, thus, eliminates the need for spectrum regulation. With criticisms often being leveled at the FCC for inefficient or poor decision making, our third Article, by Russ Taylor, takes aim at one of these criticisms and tries to reshape the debate by looking at the empirical evidence—evidence often neglected in the debate for FCC reform. The fourth Article, by Nissa Laughner and Justin Brown, addresses how the Takings Clause is still relevant in the must-carry debate both legally and rhetorically. The final Article is by Daniel Shiman. This Article addresses an issue of great daily annoyance to many of us—spam—and provides an economic analysis and regulatory framework to help society’s welfare.

Rounding out the Second Issue is a Note and a Book Review. The Note is written by our Senior Notes Editor, Will Ramsey. His Note addresses children’s advertising and suggests reform by basing limits on the type of exposure, not merely the quantity of it. He believes that a law limiting children’s advertising based on content would be constitutional under *Central Hudson*. Finally, the Review is from Andrew J. Siegal, an attorney for CBS, who brings his personal perspective to a Review of Jim H. Snider’s book, *Speak Softly and Carry a Big Stick*. Mr. Siegal strongly disagrees with the book.

Since the last issue, the *FCLJ* and the FCBA Journal Committee have been busy flying to and from Washington, D.C., and Bloomington, Indiana, exchanging ideas about how the *Journal* can better serve its subscribers and the FCBA members. In January, we had the pleasure of hosting two members of the FCBA Journal Committee—Jamison Prime and Linda Smith—in Bloomington. This visit was very fruitful. The discussion ranged from the law school’s and *FCLJ*’s ties with IU’s Department of Telecommunications to the *FCLJ* Web site. Accordingly, Linda and Jamison had meetings with Dean Lauren Robel, outgoing Faculty Advisor Fred Cate, the incoming Faculty Advisor Joshua Fairfield, Telecommunications Faculty Advisor Michael McGregor, the school’s Web Master Frank Burleigh, as well as the *FCLJ* editors and associates. We thank Linda and Jamison for their endurance, enthusiasm, and ideas throughout the visit.

In February, the visits continued, as I and the *FCLJ* members competing in the National Telecommunications Moot Court competition were given a chance to meet with the Journal Committee in Washington. This discussion gave us a chance to recap all of the improvements made to the *Journal* over the last year and discuss the short- and long-term agenda for the Journal’s future projects, which include, most notably, alterations to the Web site. I thank Bill Richardson and his firm, Wilmer, Cutler, Pickering, Hale & Dorr, for hosting me and other *FCLJ* members for this meeting and lunch.

February was a time for another event in Washington. The Tenth Anniversary of the Telecommunications Act of 1996 came and went on February 8. On February 7, the *Journal* participated as a representative of the FCBA in a symposium at George Washington University (“GWU”) entitled, *The Telecommunications Act of 1996: Ten Years Later*. We would like to thank the FCBA for allowing us to help organize the event and thank President Michelle

FarquharMartin for her direct participation as a moderator. We would most especially like to thank Eli Noam, Bob Atkinson, and Ben Bloom of the Columbia Institute for Tele-Information (“CITI”), and Gerald Brock of GWU for their organization and initiative, without which the symposium would not have existed. The event was a huge success: thank you to all who participated or attended. Many of the talks, as well as other invited pieces, will be published in our Special Third Issue, coming June 2006.

Some of you may have noticed new positions added to the masthead since the last issue. The Telecommunications Faculty Advisor is a new title to reflect the role of Prof. Michael McGregor. Prof. McGregor is a graduate of Georgetown Law School, former employee of the Federal Communications Commission, and current professor in IU’s Department of Telecommunications and at the Law School. His expertise from having worked at the Commission is a nice compliment to Prof. Fairfield’s background in New Media. The Associate Editors are Ph.D. students at IU’s Department of Telecommunications. We have asked the Telecommunications faculty to nominate their strongest doctoral students to help our associates generate Note topics and to submit lists of what they perceive as the most timely and relevant topics. While we believe that we do well with this on our own, the added perspective has been helpful for generating ideas outside of the policy problems that we would otherwise construct without their assistance. Placing the Telecommunications Faculty Advisor and Associate Editors in the masthead, as well as the Faculty Advisor and Journal Committee, both honors these individuals and more accurately reflects *Journal* operations.

Thank you to our readers and the FCBA for your ongoing faith and support. As always, we look forward to your questions and comments. We can be reached via e-mail at fcj@indiana.edu. Though the face of our Web site is undergoing some transition, we encourage our readers to access our site, www.law.indiana.edu/fclj, for further information and easier access to Web links in Articles.

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