

EDITOR'S NOTE

Welcome to the last issue of Volume 52 of the *Federal Communications Law Journal*. This issue features a discussion on the pending Viacom-CBS merger. The discussion opens with introductory remarks from Anne Swanson, President-Elect of the Federal Communications Bar Association. Viacom-CBS follow with a joint statement highlighting the benefits and addressing the concerns regarding the proposed merger. The Media Access Group opposes the proposed merger, focusing on the First Amendment and diversity concerns that the merger raises. The Society of Professional Journalists offer a balanced evaluation of the costs and benefits of the proposed merger, examining its effect on journalists. David Waterman urges a shift in the focus to the horizontal market concentration within particular media market segments or within particular local market areas and concludes that media mergers, like the proposed Viacom-CBS merger, do not pose the significant concerns that opponents raise. Senator Paul Wellstone centers his argument against the proposed merger on the effect it will have on our system of representative democracy. Jerome Barron, Yochai Benkler, and Lili Levi follow this comprehensive examination of the proposed merger with detailed analyses of the regulatory aspects of media mergers.

In the first article, Baoding Hsieh Fan discusses the application of statutory licenses to Internet retransmissions of broadcast video signal, concluding that compulsory copyrights and the attendant regulatory restrictions should extend to Internet TV. Jonathan Friedman and Frank Buono follow with an examination of tort liability for online third-party content under section 230, arguing that the courts' interpretations of section 230 do not provide a disincentive for online service providers to vigorously monitor their Web sites for this behavior. Hilary Miller and Robert Biggerstaff address the Telephone Consumer Protection Act of 1991 and its application to intrastate telemarketing calls and fax advertisements. In the final article, Kyu Ho Youm examines the issues surrounding minor political candidates' access to television debates, arguing that the Supreme Court has failed to set forth a functional guideline for public broadcasting

stations to follow when weighing the stations' editorial rights against the candidates right to participate.

In the first student-written work, Sonia Das, after analyzing music piracy on the Internet, advocates that courts should allow Rio users to raise the fair use defense and advises the music industry to capitalize on the Internet's popularity to increase overall sales. Robert Meitus addresses the applicability of the Copyright Act's section 201(c) revision privilege to the electronic media. Allegra Weiner analyzes e-mail's impact on the labor organization in the workplace. In the final student-written work, David Neboyskey urges states to ratify the UCITA, highlighting the standardization and uniformity that the UCITA provides the industry. This issue concludes with Mark Nadel's review of Lawrence Lessig's *Code and Other Laws of Cyberspace*.

The Editorial Board would like to thank all of the authors for their contributions. We are committed to providing our readers with broad coverage of pressing and important communications issues, and we sincerely appreciate the continued support of contributors and readers alike. As always, we actively welcome your comments and submissions concerning any issues of interest to the communications bar. The *Journal* can be contacted at Indiana University School of Law—Bloomington, 211 South Indiana Avenue, Bloomington, Indiana 47405; telephone (812) 855-5952; facsimile (812) 855-0555; and e-mail <fclj@indiana.edu>.

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