MEDIA LAW NOTES

Volume 34, No. 5 Law Division, AEJMC Fall 2006

Looking Back

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Anthony Fargo

At the Law Division business meeting in San Francisco, the members approved a proposal to create a Law Division Speaker's Bureau. Unfortunately, there was little time left to discuss the idea by the time we reached that part of the agenda. This article is intended to fill in the gaps and, perhaps, fuel a discussion on at least one aspect of the idea.

First, a little background. At the end of the 2005 Law Division business meeting, I asked the members if any of them would like to work with me over the coming year to develop a way to make the division and its members more visible to the public. Amy Gajda from the University of Illinois, Martin Kuhn, then a graduate student at the University of North Carolina-Chapel Hill, and Nancy Whitmore of Butler University later contacted me and said they would be happy to bounce around ideas with me.

My interest in this subject came from some personal experiences and from stories I had heard from other faculty. When I taught at UNLV, I was asked several times to comment for stories on local TV and in local newspapers about several law and policy-related topics. I came to realize that I was not being sought out because of my perceived expertise,

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INSIDE THIS ISSUE

Legal Currents

Beginning with this issue, **Media Law Notes** *for 2006-2007 will feature a "Legal Currents" commentary on a contemporary media law topic. We kick off the series with this article on obscenity.*

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No matter how one looks at it – socially, culturally or geographically – State College, Pa. is far removed from southern California's San Fernando Valley.

The distance between the two never seemed greater for us than this summer when people back at Pennsylvania State University would ask why we were going to spend all of June and July out West in the latter land, replete with its suburban sprawl, smog and strip mall after strip mall.

Robert Richards

The answer, albeit straightforward, was anything but politically correct: to meet with and interview members of the pornography industry – porn stars, producers, publicists and others – about their beliefs and opinions regarding the First Amendment protection of freedom of speech and the law of obscenity.

These issues actually cut closer to home and are a lot more timely than many people in Pennsylvania probably might think.

Clay Calvert

In particular, the federal government is now engaged in a high-profile obscenity prosecution in Pittsburgh of a California-based adult video company aptly called Extreme Associates, Inc. and its owners, Robert Zicari and Janet Romano.

The case already has resulted in

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Legal Annotated Bibliography

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First Amendment

Norman T. Deutsch, ***"Professor Nimmer Meets Professor Schauer (and Others): An Analysis of 'Definitional Balancing' as a Methodology for Determining the 'Visible Boundaries of the First Amendment' " .*** 39 **Akron Law Review** 483 (2006). The author outlines Nimmer's argument that the Court uses definitional balancing not to determine which party should prevail in a particular case, but to determine what should be regarded as speech within the boundaries of the First Amendment. Deutsch claims definitional balancing has been articulated as a methodology to determine speech categories included or excluded under the First Amendment's scope, striking a balance between competing speech and regulatory interests, but legal scholars disagree about its use by the courts. Some, he says, argue the method is inflexible and absolutist, protecting too much speech once definitional lines are drawn, while others say it is akin to ad hoc balancing and too flexible, limiting too much speech. The author examines ten categories of speech in cases where he says the Court employed definitional balancing, considering arguments to the contrary. Deutsch concludes that, whether acknowledged or not, the Court has used this methodology along the lines described by Nimmer and the "visible boundaries of the First Amendment" of which Schauer wrote.

Intellectual Property

Note: "***Rethinking Copyright for Advertisements,"*** 119 **Harvard Law Review** 2486 (2006). Working under the assumption that advertisements constitutionally fall under the meaning of "science and useful arts" and are therefore copyrightable, the author argues unnecessary protection is given to advertisements. Within the framework that copyright should serve a public benefit and also encourage such creative work, the author contends that an economic rationale for protecting advertisements is counterintuitive given that its useful purpose is to promote (sell) for a particular entity, serving no real benefit to competitors, and that advertisements would actually encourage creativity because more and better ads would be produced to meet the competition. Further s/he claims that the ***Bleistein v. Donaldson Lithographing Co.*** decision, treating the functional nature of advertisements as irrelevant, may continue to convolute commercial speech doctrine and dilute First Amendment protection for core speech with possible analogy in the computer software arena. Advertisements occupy a middle ground in copyright law with artistic value, but primary value lying in their function. Based on the issues outlined, the author suggests a physical and conceptual separability analysis in determining whether advertisements should be copyrightable. Conceptual separability would require three tests: a design test (if the work of art is not restrained by the functionality), a market test (if, aside from function, the work would still be marketable); and the stand-on-its-own test (if the aesthetic value is artistic and the functional value can stand without the aesthetic.)

Libel

Aaron Perzanowski, ***"Comment: Relative Access to Corrective Speech: A new Test for Requiring Actual Malice***." 94 **California law Review** 833 (2006). The author claims that, given the current many-to-many communications environment compared to the one-to-many environment, the public figure doctrine is outdated. Perzanowski argues that application of the actual malice standard in defamation cases relies only on the public or private status of the plaintiff, denying variety among media defendants. In the context of the history of the doctrine and its justifications, this Comment outlines the assumption of risk by public people and their accessibility to corrective/self-help speech in dealing with defamation as the court's original justification of the actual malice standard, with the latter of primary importance. Arguing that Section 230 of the Communications Decency Act requires going beyond third party publication issues to reexamine also primary defamation liability, the author proposes a four-part relative access test (respective means of communication; relative notoriety; access to relevant audience; and efforts to engage in/ permit counter speech) and a demonstration of actual malice if both parties have access to identical means of communication. Perzanowski contends that the test would enhance sensitivity to the current diverse media environment as well as encourage more speech as a remedy for those able to respond to harmful misstatements.

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Why is No One Shouting, 'Fire'?

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Like most of you, I am one of the dwindling percent of American citizens who read a daily newspaper. I mean, actually *touch* a newspaper each day. Also, like most of you, I have very little time for this indulgence. In reality, I have time to read the front page, the sports scores, the media news (of course) and my horoscope. Not always in this order. For the rest of the paper, I do what I call "headline hunting"; I flip through the inside pages looking for news that interests me. During my headline hunting recently one morning not long ago, I read this headline: "Ruling will allow prosecution for revealing military secrets."

On August 10, 2006, the U.S. District Court in Alexandria, VA ruled in *United States v. Rosen* that two former officials of the American Israel Public Affairs Committee, a non-profit lobbying organization, could be prosecuted for receiving and distributing classified information leaked to them by a Department of Defense employee.

I guess I should not have been surprised at this ruling. Attorney General Alberto Gonzales had been threatening to use the Espionage Act to stop government leaks to newspapers, namely the *New York Times*, for several months. In May of this year, he said on ABC's *This Week*, "There are some statutes on the book which, if you read the language carefully, would seem to indicate that that is a possibility [the prosecution of journalists for publishing classified information]." U.S. government lawyers, under his direction, had argued just this in the *Rosen* proceedings.

But, I guess sometimes I am naïve. Especially when it comes to Big Liberty issues. I truly couldn't conceive of a court ruling along these lines…agreeing with Gonzales' position on use of the Espionage Act. I just could not fathom that a judge would rule that, "the government can punish those outside of the government for the unauthorized receipt and deliberate retransmission of information relating to the national defense." To be fair the judge in this case, T.S. Ellis III, did state in the opinion that the government still held the burden of proof in showing this information "could be used to injury of the United States or advantage of any foreign nation," but this caveat was not enough to overcome the fact that the ruling essentially undermined the established case law in this area.

As we all know, the Espionage Act has never been used as a weapon to prosecute third-party

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Law Division
Business Meeting Minutes

August 3, 2006

Law Division Head Tony Fargo (Indiana) called the meeting to order. Fargo announced the division paper winners. Kyu Youm of Oregon won best faculty paper; Jason Reineke of Ohio State won best student paper. Fargo said the Southeast Colloquium will be held in New Orleans, March 8-10, 2007, and the next three meeting locations for the annual AEJMC conference will be in Washington, D.C., Chicago and Boston. Next year's research paper submission process will be electronic for all divisions in the Association. He said it should be easier for judges and research chairs, but will require a $5 increase in Association dues.

Communication Law and Policy editor Wat Hopkins (Virginia Tech) reported that the journal had 32 submissions last year, but published more pages (630) than ever before. The acceptance rate is down to 15.5%. Journal publisher Erlbaum's representative, Linda Bathgate, reported that the journal is financially healthy; institutional subscriptions are stable even in a time of library budget cuts.

Fargo reported for the Division publications committee, which oversees *Communication Law and Policy*. The committee consists of the Division's executive committee and four at-large members. Kathy Olson (Lehigh) and Susan Ross (Washington State) will continue on the board, and Fargo appointed Kyu Youm (Oregon) as two new at-large members.

Fargo asked Hopkins to step out of the room and reported the publications committee's recommendation to appoint Hopkins to a third three-year term. Olson explained the committee believes that Hopkins has done an excellent job, and the Division members reappointed Hopkins by acclamation.

Continuing discussion of *Communication Law and Policy*, Bill Chamberlin (Florida) noted that the National Research Council (NRC) is moving toward a national, cross-discipline standard of reporting who is publishing, and in which journals. Law reviews and *Communication Law and Policy* are not included in the list of 'accepted' journals, which means those who publish in it will not appear on NRC's publication lists. This raised concern.

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Legal Bibliography

Melissa A. Troiano***, "Comment: The new Journalism? Why Traditional Defamation Laws Should Apply to Internet Blogs."*** 55 **American University Law Review** 1447 (2006). Traditional defamation law provides that anyone who plays a significant role in the act of publication or distribution of a defamatory statement shall be held responsible for that message, with exceptions for common carriers or distributors who have no control over content. However, Troiano argues, the Communications Decency Act, particularly the "Good Samaritan" provision (granting immunity to ISPs) created an artificial distinction between users/providers of interactive content and traditional print editors who do the same thing as the former. The courts, she says, have expanded ISP immunities to others (excluding the anomaly of ***Barrett v. Rosenthal***) evident in ***Batzel v. Smith*** (Batzel I) where the Ninth Circuit granted immunity to Internet users, and, given the reliance on Batzel I, they will likely extend them to bloggers for third party postings. Troiano contends that bloggers generally perform either traditional editor and publisher duties or traditional distributor roles (in allowing automatic postings) and should come under the same standards of legal liability as traditional media. She proposes amending the CDA to deny immunity to users who actively select third party statements and to keep the term "publisher" distinct from the term "distributors."

Privacy

Andrew J. McClurg***, "Kiss and Tell: Protecting Intimate Relationship privacy Through Implied Contracts of Confidentiality."*** 74 **University of Cincinnati law Review** 887 (2006). Assuming the demise of the publication of private facts (disclosure) tort, the author offers that contract theory may be the most feasible way to address public disclosures about intimate relationships without breaching the First Amendment. Laws of general applicability, such as promissory estoppel, have not been found to offend the First Amendment, and the author contends that intimate relationships form an implied contract (in fact, rather than in law) between the parties, which should stand despite cases like ***Bartnicki v. Vopper*** and ***Hustler v. Falwell***, which were given strict scrutiny because of the public interest and public person status. He argues the nature of publication of private facts has changed through broad dissemination capabilities of the Internet, and such public disclosures as one might find on the Washingtonienne blog, or Colin Farrell's former lover's site with a sex video, provide few or no recourse avenues. Using Warren and Brandeis's "right to be left alone," McClurg suggests the right "not to be exposed to the world" is consistent with the technological environment of today. He concludes saying that intimate relationships should be "safe houses" for both parties or intimacy will suffer.

Privilege

William E. Lee, ***"The Priestly Class: Reflections on a Journalist's Privilege."*** 23 **Cardozo Arts & Entertainment Law Journal** 635 (2006). Focusing on the **Branzburg v. Hayes** opinion in which the panel agreed that anonymous sources are critical to reporting on certain issues while discounting the argument that sources would be inhibited without some assurance of anonymity, Lee proposes that the case will not be overturned, but national legislation is necessary to provide a consistent structure under which state legislatures may operate. The courts have acknowledged the necessity of newsgathering but some do not distinguish these activities much from those of the lone pamphleteer. Considering ad hoc balancing, laws of general applicability, rights of access, the constitutional equality of speech and press, and legislative exemptions for the press, the author calls for clarity in distinguishing qualified and absolute privilege. The former, he says, lacks predictable outcomes at the time confidentiality is offered, and the latter could be vague and either over- or under-inclusive.

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Why is No One Shouting, 'Fire'?

transmitters (especially journalists) who have passed along classified information. And, I think we can all agree that it was never intended to be (in fact, Congress rewrote the original act to ensure newspapers were not specifically targeted) and never should be used in such a fashion. Prior restraint is the only outcome of such a path. Well…prior restraint and/or target prosecution of the press. Why, then, were we so silent on this issue? The story was buried in the newspaper, as if the resurrection of the Espionage Act was of the same importance as the new baby elephant at the zoo or the back-to-school sales. Only a handful of newspapers sounded the alarm on the editorial pages. The *Los Angeles Times* wrote a wonderful, scathing retort. But, one voice among the many will not overturn this ruling. Where were we, the defenders of free speech? And, why was no one shouting, "fire" in my newspaper?

Letter from the Editor

FOIA Turns 40

By Martin E. Halstuk
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This past summer, the Freedom of Information Act marked its 40th anniversary. On July 4, 1966, FOIA was signed into law after a long and hard fought campaign led by a then little known California congressman from Sacramento, John Moss.

At the time, the idea of a federal open records law was considered radical. It took Moss and other open-government advocates in Congress, the newspaper industry and the American Bar Association 173 hearings spanning 10 years before the groundbreaking legislation was passed.

The FOIA created a public right of access to the vast storehouses of information compiled by the dozens of federal agencies and cabinet departments. FOIA users vary widely and are as ideologically disparate as the activist environmental organization Greenpeace and the conservative watchdog group Judicial Watch.

In pushing for the controversial law's passage, advocates emphasized that the FOIA was grounded in the belief that in an open and democratic society, citizens must have a right of access to government-held information so they can hold officials accountable for their actions and make informed decisions pertaining to self-rule. A 1965 Senate FOIA report instructs:

"[G]overnment by secrecy benefits no one. It injures the people it seeks to serve; it injures its own integrity and operation. It breeds mistrust, dampens the fervor of its citizens, and mocks their loyalty."

FOIA has been used to reveal waste, fraud and deception in the federal government and to identify unsafe consumer products, harmful drugs, and serious health hazards. Decades ago we learned from records obtained under the FOIA why Ford Pinto gas tanks exploded, how defects in the Hubble telescope limited its capabilities and when the FBI ordered illegal FBI surveillance of Dr. Martin Luther King.

The FOIA still works.

More recently, we viewed images of rows of military coffins, draped with American flags, returning from Iraq. We learned that the government ignored sexual assault charges brought by women in the military against enlisted men and officers. We also found out that 22 percent of soldiers who died in Iraq died outside combat, suicides were an ongoing problem among American troops in Iraq, and about 16 percent of returned soldiers required treatment for mental problems.

On the other hand, the FOIA has also suffered some significant setbacks. The Supreme Court ruled in 2004 that there is a "presumption of legitimacy" when it comes to official government investigations that involve private individuals. The Court held that if someone uses the FOIA to request law enforcement records to aid in an investigation of government corruption or incompetence—and the records contain personal information about a private individual—then the FOIA requestor must show evidence of wrongdoing *in advance* to justify getting access to the materials. The obvious Catch-22 is that documents that can reveal evidence of government misconduct are often in the government's hands.

The judiciary has also given the government tremendous leeway in how agencies can use executive privilege as an exemption to the FOIA. The Supreme Court has so broadly interpreted executive privilege that a federal agency can shield reports provided to the agency by a private outside consultant—paid by tax dollars—even if the consultant has a direct interest in the outcome of the agency decision. In 2005, executive privilege was also the rationale for the federal Circuit Court of Appeals in the District of Columbia to rule that the National Energy Policy Development Group headed by Vice President Dick Cheney (the federal energy task force) can withhold policy recommendations made to the task force by the Department of Energy, the Department of the Interior and the National Resources Defense Council. (In a related but non-FOIA case, the lower federal courts also ruled that the even the *names* of the task force's members can be withheld from the public.)

Finally, the Central Intelligence Agency still enjoys a near-blanket FOIA exemption granted to the spy agency by the Supreme Court 20 years ago, despite the fact that the CIA was explicitly subject to the FOIA under the original legislation. The CIA's widely publicized failures in connection with the 9/11 terrorist attacks illustrate the folly of unchecked secrecy, which not only cloaks questionable agency activities but also conceals grave problems in management. These problems were further evidenced in the CIA's miscalculations and false assessments of Iraqi weapons strength, which were used to justify the American invasion of Iraq.

Moss led the Congress of 40 years ago in giving the nation a blueprint for government transparency and access to the kind of information necessary for meaningful public discourse on the vital policy questions facing this nation. Today's Congress is currently reviewing at least two bills to strengthen the FOIA so that citizens can learn more about what the government is up to.

Let us hope the lawmakers set the record straight.

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Legal Currents

an opinion from the U.S. Third Circuit Court of Appeals reversing a federal district court judge's decision that threw out the indictment against the company and its owners on constitutional privacy grounds (*United States v. Extreme Associates, Inc*., 431 F.3d 150, 3d Cir. 2005). This summer the U.S. Supreme Court denied certiorari from the Third Circuit's opinion, meaning the case will now head back to the trial court.

The now-reversed district court opinion – one that would have given the green light for the continuing spread and proliferation of adult content – drew withering op-ed commentaries from the likes of Senators Orrin Hatch (R. Utah.) and Sam Brownback (R. Kan.) who blasted it in The Washington Times as the height of judicial activism.

Pittsburgh was chosen over Los Angeles as the venue for the prosecution primarily because of the former city's supposedly more conservative values – something important under the "contemporary community standards" criteria of obscenity law – where it would be easier to get a conviction. No prosecutor, after all, wants to try an obscenity case near liberal enclaves like West Hollywood or in the heart of "porn valley," as the San Fernando area sometimes is known.

Despite the reality of the current link between obscenity law and Pennsylvania, interviewing people who are the objects in academia of scorn and loathing about weighty constitutional issues seems somewhat sordid. It's like plunging from the heights of the ivory tower to the depths of the gutter – albeit one that is

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Looking Back

but because I was the only faculty member still in his office when the media called around looking for quotes. At Indiana, I had been asked about a month before our San Antonio convention to write an op-ed piece on reporter's privilege for an Indiana newspaper. The request didn't come through IU's public information office but indirectly – an editor at the paper called one of our associate deans and asked if anyone on our faculty could write something on privilege in the wake of Judith Miller's jailing. I happened to be in my office at the time.

What struck me from my experiences and from similar stories I heard from others was the haphazard ways that the media found "experts" to discuss issues of media law. I also noticed that when the national media did stories about law and policy issues it seemed that the same few people were always the sources.In a series of e-mail conversations, Amy, Martin, Nancy and I batted around ideas about how to raise the visibility of our members and at the same time help the media find qualified experts in particular fields of media law and policy. What emerged was the proposal presented in San Francisco to create a speaker's bureau located on the Division's space on the AEJMC website. One advantage to this idea is that it dovetails nicely with one of Jennifer Henderson's goals for the coming year: to update and improve our Internet information.

We have two main goals: To be of service to the media by providing an efficient way for them to locate experts in communication law fields and/or in their geographic areas, and to be of service to our members by making their expertise more widely known and increasing their chances of being asked to comment on news stories or speak to organizations. The second consideration is tied to the fact that many departments consider speaking to the media or groups to be part of the faculty service commitment. Being quoted by the media may also help faculty demonstrate national or regional prominence in their research fields, which may help in the tenure or promotion process.

If you would like to be listed on the Speaker's Bureau site, please send the following information to me by Dec. 1, either electronically or by letter: Your name; Name of institution and academic unit (department or school); Contact information (office phone, address, fax number, e-mail, etc.); List of topics you would be willing and able to discuss with the media and civic or professional groups; A short narrative bio, about 100 to 150 words, discussing your qualifications (where you went to school, what you teach, what articles you have published or papers you have presented). Amy, Nancy and I will edit the entries and create cross lists by geographic area and expertise area. We will work with Jennifer to get the list posted on the AEJMC website.

The next part is a bit trickier, and I would welcome suggestions on this: how do we let the media know that the list exists? My first thought was to send a press release to all of the major journalism professional organizations asking them to alert their members, but I'm open to suggestions that might make reach more people and make a bigger impact. Please e-mail me if you have some ideas on this part of the process.

One last note: this listing is completely voluntary, so you do not have to participate if you do not want to. Also, regarding contact information, please list only those numbers and addresses that you feel comfortable having on the Internet.

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Legal Currents

$12.6 billion deep annually in revenues in the United States alone – they apparently believe.

But the interviews provided a seldom-seen perspective of the people who work daily in a business that now finds itself under siege by the federal government, which unveiled a new round of indictments this earlier summer in Phoenix, Ariz., against another southern California-based adult company, JM Productions.

Not surprisingly, obscenity law is the bane of those in the adult industry. What may be surprising is their sharply honed understanding of nuances of this complex area of law and, perhaps more importantly, how the First Amendment often is the only thing standing between them and a jail cell. Such understandings are crucial for the industry's survival because if sexually explicit speech doesn't meet the requirements of obscenity articulated more than three decades ago by the U.S. Supreme Court in *Miller v. California*, then it is protected by the First Amendment.

"When you make an adult entertainment movie – as long as it is not child pornography and you're not filming a crime like a murder or an actual rape – then it is very hard to decide . . . what could be found to be obscene in a court of law," said Michelle Freridge, executive director of the Free Speech Coalition, the adult entertainment industry's leading trade association. Freridge asserts that *Miller's* vague definition of obscenity makes it difficult for producers of adult entertainment to predict what any given jury might declare obscene.

Veteran adult film director John Stagliano, credited developing "gonzo" porn – a subjective-camera style technique – believes that new technologies, such as the Internet, have rendered obscenity law obsolete. "The whole notion of community standards, to begin with, is difficult," he suggested.

For some in the industry, the argument against government enforcement of obscenity laws is even more fundamental. "If they can tell you what kind of sexual material you can read, if they can tell you what you can do in the bedroom, then they can tell you virtually anything – they control you. If they can control that aspect of your life, then they can control any aspect of your life," noted Bruce David, editorial director of *Hustler* magazine. He is not alone in that belief.

Tom Hymes, director of communications for the Free Speech Coalition, echoed David's concern for personal privacy. "As far as getting consumers to understand what is at stake – and it is not just blowing smoke, it is real – your privacy is at risk," he observed. "That's why *Lawrence v. Texas* was so important; who is the government to come in to your bedroom and tell you what kind of sex you can have? If they can't come in to your bedroom and tell you what kind of sex you can have, can they come into your bedroom and tell you what kind of sex you can watch?"

While privacy concerns for consenting adults are crucial for those in the adult industry, the importance of free speech under the First Amendment is paramount.

"Whenever you have speech – whatever it is – that is unpopular, it requires protection," said Joy King, director of special projects Wicked Pictures, a leading producer of adult films, and the woman credited with launching the career of Jenna Jameson.

"I don't like skinheads – I don't like what they have to say and I don't like racism – but I don't have the right to tell those people that they can't say things," King said. "I don't like it. I don't want to listen to it, but they have the right to say it just as much as I have the right to watch adult entertainment."

As adult producer Max Hardcore bluntly put it, "I think the real obscenity is not what is going on out in the San Fernando Valley, it is what's going on in Iraq, Afghanistan, and Israel."

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Business Meeting Minutes

Fargo next suggested that the Division donate $1000 to the Student Press Law Center and $200 to Reporters Committee for Freedom of the Press. The idea was moved, seconded and passed.

Fargo proposed a name change for the Division to the Law and Policy Division. It was moved and seconded. The discussion centered on whether this name would more accurately reflect the Division's purpose. The Communication Technology and Policy Division has dropped "Policy" from its name, because it was receiving policy submissions that it believed was more appropriate for the Law Division. Apparently some researchers were concerned that policy papers were not welcome in Law. The motion passed 15-9.

Fargo asked for, and received, a motion to approve the concept of a speakers' bureau, which would include member biographies on the website. The motion passed.

Fargo noted that according to Division bylaws, the Vice Head will become the Head and the Clerk will become the Vice Head. Jennifer Jacobs Henderson (Trinity) and Beth Blanks Hindman (Washington State) will assume those positions, respectively. The Division then elected Martin Halstuk to the Clerk position.

Henderson thanked Fargo for his service, and the meeting was adjourned.

Respectfully submitted,
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New Officers, New Name, New Initiative

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The 2006 Annual Convention in San Francisco heralded in a few changes to the division, most notably, a name change. The new name of the division (as officially voted on by division members at the business meeting) is the Law & Policy Division. The majority of members in attendance felt this new name accurately reflected the work of the division as well as research submitted for review at the conference and in the division journal.

The new officers of the Law & Policy Division as approved and appointed at the national convention are:

Jennifer Jacobs Henderson, Trinity University, Head, Jennifer.Henderson@trinity.edu
Beth Blanks Hindman, Washington State University, Vice Head and Programming Chair, ehindman@wsu.edu
Martin E. Halstuk, Pennsylvania State University, Secretary/Clerk, halstuk@psu.edu
Victoria Smith Ekstrand, Bowling Green State University, Teaching Chair, vekstra@bgnet.bgsu.edu
Amy Gajda, University of Illinois, Professional Freedom & Responsibility Chair, agajda@uiuc.edu
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One of the goals of the division officers this year is to update information on the division website, now several years old, and to transform the site into a useful and interactive forum for discussion of issues related to communication law and policy. In addition to updating division materials, the improved website will feature the newsletter (although, not to fear, you will continue to receive a hard copy of the newsletter), a discussion forum, and contact information for those members who have joined the Speaker's Bureau (see Tony's article for more details). More information regarding the updated website and its offerings will appear in the next newsletter.

Please help me in welcoming all of the new officers. Feel free to contact any of us with questions, concerns and contributions regarding the division.

Special thanks to Penn State doctoral student **Benjamin W. Cramer** for his technical assistance in laying out these pages.

Martin E. Halstuk, editor, Media Law Notes

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