

THE FIRST AMENDMENT AND THE FOURTH ESTATE

THE LAW OF MASS MEDIA

TENTH EDITION

T. BARTON CARTER

MARC A. FRANKLIN

JAY B. WRIGHT

FOUNDATION PRESS

75TH ANNIVERSARY

This publication was created to provide you with accurate and authoritative information concerning the subject matter covered; however, this publication was not necessarily prepared by persons licensed to practice law in a particular jurisdiction. The publisher is not engaged in rendering legal or other professional advice and this publication is not a substitute for the advice of an attorney. If you require legal or other expert advice, you should seek the services of a competent attorney or other professional.

Nothing contained herein is intended or written to be used for the purposes of 1) avoiding penalties imposed under the federal Internal Revenue Code, or 2) promoting, marketing or recommending to another party any transaction or matter addressed herein.

© 1977, 1981, 1985, 1988, 1991, 1994, 1997, 2001 FOUNDATION PRESS

© 2005 THOMSON REUTERS/FOUNDATION PRESS

© 2008 By THOMSON REUTERS/FOUNDATION PRESS

395 Hudson Street
New York, NY 10014
Phone Toll Free 1-877-888-1330
Fax (212) 367-6799
foundation-press.com

Printed in the United States of America

ISBN 978-1-59941-402-7



TEXT IS PRINTED ON 10% POST
CONSUMER RECYCLED PAPER



*To Richard and Yolanda,
and to the memory of Ruth*

*

* * *

Burke said that there were Three Estates in Parliament; but, in the Reporters' Gallery yonder, there sat a *Fourth Estate* more important far than they all. It is not a figure of speech, or witty saying; it is a literal fact,—very momentous to us in these times.

THOMAS CARLYLE in
On Heroes and Hero-Worship (1841)
(Marble edition, 1897, p. 219)

* * *

*

PREFACE TO THE TENTH EDITION

This Tenth Edition of *The First Amendment and the Fourth Estate: The Law of Mass Media* reflects the authors' belief that communication students are quite capable of reading Supreme Court opinions and that doing so is essential to understanding the thought processes of the justices who are making First Amendment law.

Throughout the book, the reader will find more than 30 principal cases, the decisions which help define communications law as we know it today. In between there are references to hundreds more cases and statutes about which we think any professional should be informed.

Since the 2004 edition, communication law has continued its rapid change and development. What we once called "new technologies" are no longer new. Questions about the Internet continue to generate new law. Debate continues about the advisability of a federal shield law, but 33 states now have shield laws. The Federal Communications Commission has relaxed cross-ownership rules. Among the cases and reports new to this edition of the textbook are *Fox Television Stations, Inc. v. Federal Communications Commission* (2007) on indecency and profanity in broadcasting, the FCC's report on Violent Television Programming and Its Impact on Children (2007), and *Metro-Goldwyn-Mayer Studios, Inc. v. Grokster, Ltd.* (2005).

We have used earlier editions of the book in teaching both undergraduate and graduate students and have tried to incorporate what we have learned from that experience. We welcome, of course, comments about ways of using the book or improving it.

Communication law poses difficult dilemmas as the courts try to balance rights of the media against rights of those affected by the media. We hope to have captured some of the interest and excitement inherent in the courts' attempts to deal with these challenging problems.

Thanks are due to Kevin Rollins, Eva Zelnick and Alexandra Zuiderweg for their help with this edition.

Marc Franklin, our senior author, took a much-deserved "pass" on this newest update of the book, but we are, of course, hugely indebted to him for his countless important contributions to the book, many of which remain from previous editions.

T. BARTON CARTER
JAY B. WRIGHT

June, 2008

*

ACKNOWLEDGMENTS

Thanks are due the authors and copyright holders who permitted excerpts from the following works to be included in this book:

American Law Institute. Restatement (Second) of Torts, copyright © 1977 by the American Law Institute; reprinted with the permission of the American Law Institute;

Blasi, Vince, "The Newsman's Privilege: An Empirical Study," Michigan Law Review, Vol. 70 (1971);

Godofsky, Stanley, "Protection of the Press From Prior Restraint and Harassment Under Libel Laws," University of Miami Law Review, Vol. 29 (1975);

Henkin, Louis, "The Right to Know and the Duty of Withhold: The Case of the Pentagon Papers," University of Pennsylvania Law Review, Vol. 120 (1971). Reprinted by permission of the publisher and Fred B. Rothman & Company;

Paul, Dan, "Why a Shield Law?", University of Miami Law Review, Vol. 29 (1975).

*

TABLE OF CASES

Principal cases are in italic type. Non-principal cases are in roman type.
References are to Pages.

A

- Abercrombie & Fitch Co. v. Hunting World, Inc., 537 F.2d 4 (2nd Cir.1976), 344, 345
- A Book Named John Cleland's Memoirs v. Attorney General of Massachusetts, 383 U.S. 413, 86 S.Ct. 975, 16 L.Ed.2d 1 (1966), 374
- Abrams v. United States, 250 U.S. 616, 40 S.Ct. 17, 63 L.Ed. 1173 (1919), 40, 42, 72
- Abuses of the Broadcast Licensing and Allotment Processes, 5 F.C.C.Rcd. 3911, 67 R.R.2d 1526 (1990), 746
- ACLU v. Federal Communications Commission, 823 F.2d 1554 (D.C.Cir.1987), 925
- ACLU v. Gonzales, 478 F.Supp.2d 775 (E.D.Pa.2007), 1022
- ACLU v. Reno, 929 F.Supp. 824 (E.D.Pa. 1996), 987
- Accuracy in Media, Inc. v. Federal Communications Commission*, 521 F.2d 288 (D.C.Cir.1975), 789
- Acheson, United States v., 195 F.3d 645 (11th Cir.1999), 411
- Action for Children's Television v. Federal Communications Commission (ACT IV), 59 F.3d 1249 (D.C.Cir.1995), 858
- Action for Children's Television v. Federal Communications Commission (ACT III)*, 58 F.3d 654 (D.C.Cir.1995), 846, 857, 858
- Action for Children's Television v. Federal Communications Commission, 11 F.3d 170 (D.C.Cir.1993), 969
- Action for Children's Television v. Federal Communications Commission (ACT II), 932 F.2d 1504 (D.C.Cir.1991), 845
- Action for Children's Television v. Federal Communications Commission (ACT I), 852 F.2d 1332 (D.C.Cir.1988), 843, 845, 846
- Action for Children's Television v. Federal Communications Commission, 821 F.2d 741 (D.C.Cir.1987), 496, 727
- Adarand Constructors, Inc. v. Pena, 515 U.S. 200, 115 S.Ct. 2097, 132 L.Ed.2d 158 (1995), 736
- Adell Chemical Co., Inc., 54 F.T.C. 1801 (1958), 418
- Adrian Weiss, 58 F.C.C.2d 342 (1976), 759
- Advanced Television Systems, 11 F.C.C.Rcd. 12809, 7 C.R. 863 (1997), 702, 704
- Advanced Television Systems, 7 F.C.C.Rcd. 3340, 70 R.R.2d 1102 (1992), 701
- Advanced Television Systems, 5 F.C.C.Rcd. 5656, 68 R.R.2d 167 (1990), 700
- Advanced Television Systems and Their Impact on the Existing Television Broadcast Service, 3 F.C.C.Rcd. 6520, 65 R.R.2d 295 (1988), 699
- Aimster Copyright Litigation, In re, 334 F.3d 643 (7th Cir.2003), 1073
- Aldon Accessories Ltd. v. Spiegel, Inc., 738 F.2d 548 (2nd Cir.1984), 311
- Alexander v. United States, 509 U.S. 544, 113 S.Ct. 2766, 125 L.Ed.2d 441 (1993), 62
- Alfred A. Knopf, Inc. v. Colby, 509 F.2d 1362 (4th Cir.1975), 369
- Alliance for Community Media v. Federal Communications Commission, 56 F.3d 105 (D.C.Cir.1995), 970
- Alliance for Community Media v. Federal Communications Commission, 10 F.3d 812 (D.C.Cir.1993), 857, 969
- Alm v. Van Nostrand Reinhold Co., Inc., 134 Ill.App.3d 716, 89 Ill.Dec. 520, 480 N.E.2d 1263 (Ill.App. 1 Dist.1985), 286
- Amendment of Parts 1, 21, 73, 74 of the Commission's Rules to Facilitate the Provision of Fixed and Mobile Broadband Access, Educational and Other Advanced Services in the 2150-2162 and 2500-2690 MHz Bands, 19 F.C.C.Rcd. 14165, 33 C.R. 147 (2004), 975
- Amendment of Parts 2 and 25 of the Commission's Rules to Permit Operations of NGSO FSS Systems Co-frequency with GSO and Terrestrial Systems in the Ku-band Frequency Range, 18 F.C.C.Rcd. 7589 (2003), 976
- Amendment of Parts 25 and 101 of the Commission's Rules Governing Multichannel Video Distribution and Data Service in the 12.2-12.7 Ghz Band, 19 F.C.C.Rcd. 9727 (2004), 976

TABLE OF CASES

- Amendment of §§ 73.35, 73.240 and 73.636 of the Commission Rules Relating to Multiple Ownership of Standard, FM and Television Broadcast Stations, 22 F.C.C.2d 306 (1970), 643
- Amendment of the Commission's Rules Governing Color Television Transmissions, 41 F.C.C. 658 (1953), 700
- Amendment of the Primers on Ascertainment of Community Problems, 76 F.C.C.2d 401, 47 R.R.2d 189 (1980), 727
- American Amusement Machine Ass'n v. Kendrick, 244 F.3d 572 (7th Cir.2001), 295
- American Booksellers Ass'n v. Virginia, 802 F.2d 691 (4th Cir.1986), 402
- American Booksellers Ass'n, Inc. v. Hudson, 771 F.2d 323 (7th Cir.1985), 400
- American Home Products Corp. v. Johnson & Johnson, 577 F.2d 160 (2nd Cir.1978), 425
- American Library Ass'n. v. Federal Communications Commission, 406 F.3d 689 (D.C.Cir.2005), 704
- American Library Ass'n v. United States*, 201 F.Supp.2d 401 (E.D.Pa.2002), 982, 1025
- American Library Ass'n, United States v.*, 539 U.S. 194, 123 S.Ct. 2297, 156 L.Ed.2d 221 (2003), 1025
- American Medical Ass'n v. Federal Trade Commission, 638 F.2d 443 (2nd Cir. 1980), 472
- American Mobile Radio Corporation, 13 F.C.C.Rcd. 8829, 9 C.R. 1162 (1997), 707
- Ameritech Corp. v. United States, 867 F.Supp. 721 (N.D.Ill.1994), 963
- AM Expanded Band (Allotment Plan), 12 F.C.C.Rcd. 3185 (1997), 695
- AM Improvement, 6 F.C.C.Rcd. 6273, 69 R.R.2d 1395 (1991), 695
- A&M Records, Inc. v. Napster, Inc., 239 F.3d 1004 (9th Cir.2001), 1073
- AM Stereophonic Broadcasting, 51 R.R.2d 1 (1982), 700
- Anchor Broadcasting Limited Partnership, 72 R.R.2d 98 (1993), 733
- Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 106 S.Ct. 2505, 91 L.Ed.2d 202 (1986), 120
- Anderson v. Nixon, 444 F.Supp. 1195 (D.D.C.1978), 578
- Anheuser-Busch, Inc. v. Schmoke, 101 F.3d 325 (4th Cir.1996), 469
- Anheuser-Busch, Inc. v. Schmoke, 517 U.S. 1206, 116 S.Ct. 1821, 134 L.Ed.2d 927 (1996), 469
- Annual Assessment of the Status of Competition in the Market for the Delivery of Video Programming, 21 F.C.C.Rcd. 2503, 37 C.R. 1181 (2006), 909, 961
- Anti-Defamation League of B'Nai B'rith v. Federal Communications Commission, 403 F.2d 169 (D.C.Cir.1968), 742
- Apple Corps Ltd. v. Leber, 12 Med.L.Rptr. 2280 (Cal.App.Super.1986), 254
- Application of (see name of party)**
- Arcand v. Evening Call Pub. Co., 567 F.2d 1163 (1st Cir.1977), 93
- Arkansas AFL-CIO v. Federal Communications Commission, 11 F.3d 1430 (8th Cir.1993), 785
- Arkansas AFL-CIO v. KARK-TV, 7 F.C.C.Rcd. 541, 70 R.R.2d 369 (1992), 784
- Arkansas Educ. Television Com'n v. Forbes, 523 U.S. 666, 118 S.Ct. 1633, 140 L.Ed.2d 875 (1998), 812, 713
- Arkansas Writers' Project, Inc. v. Ragland, 481 U.S. 221, 107 S.Ct. 1722, 95 L.Ed.2d 209 (1987), 641, 642
- Ashbacker Radio Corp. v. Federal Communications Commission, 326 U.S. 327, 66 S.Ct. 148, 90 L.Ed. 108 (1945), 731
- Ashcroft v. American Civil Liberties Union*, 542 U.S. 656, 124 S.Ct. 2783, 159 L.Ed.2d 690 (2004), 1008
- Ashcroft v. Free Speech Coalition, 535 U.S. 234, 122 S.Ct. 1389, 152 L.Ed.2d 403 (2002), 411
- Associated Press v. United States, 326 U.S. 1, 65 S.Ct. 1416, 89 L.Ed. 2013 (1945), 632, 633
- Associated Press v. Walker, 388 U.S. 130, 87 S.Ct. 1975, 18 L.Ed.2d 1094 (1967), 116, 117, 118, 137
- Associated Press, United States v., 52 F.Supp. 362 (S.D.N.Y.1943), 41
- Atherton, United States v., 561 F.2d 747 (9th Cir.1977), 313
- Austin v. Michigan Chamber of Commerce, 494 U.S. 652, 110 S.Ct. 1391, 108 L.Ed.2d 652 (1990), 475
- Auvil v. CBS 60 Minutes, 67 F.3d 816 (9th Cir.1995), 100
- Ayeni v. CBS Inc., 848 F.Supp. 362 (E.D.N.Y.1994), 195
- Ayeni v. Mottola, 35 F.3d 680 (2nd Cir. 1994), 195, 197

B

- Baker v. F&F Inv., 470 F.2d 778 (2nd Cir. 1972), 576
- Baker, United States v., 890 F.Supp. 1375 (E.D.Mich.1995), 1044
- Bank of Oregon v. Independent News, Inc., 298 Or. 434, 693 P.2d 35 (Or.1985), 144
- Bantam Books, Inc. v. Sullivan, 372 U.S. 58, 83 S.Ct. 631, 9 L.Ed.2d 584 (1963), 61, 349, 857

TABLE OF CASES

- Banzhaf v. Federal Communications Commission, 405 F.2d 1082 (D.C.Cir.1968), 684, 772, 773
- Barber v. Time, Inc., 348 Mo. 1199, 159 S.W.2d 291 (Mo.1942), 10
- Barger v. Courier-Journal (Ky.App.1991), 215
- Barnes, United States v., 604 F.2d 121 (2nd Cir.1979), 537
- Barr v. Matteo, 360 U.S. 564, 79 S.Ct. 1335, 3 L.Ed.2d 1434 (1959), 100
- Barron v. Baltimore, 32 U.S. 243, 7 Pet. 243, 8 L.Ed. 672 (1833), 33
- Barry v. Time, Inc., 584 F.Supp. 1110 (N.D.Cal.1984), 175
- Bartnicki v. Vopper, 532 U.S. 514, 121 S.Ct. 1753, 149 L.Ed.2d 787 (2001), 202
- Basic Books, Inc. v. Kinko's Graphics Corp., 758 F.Supp. 1522 (S.D.N.Y.1991), 341
- Bates v. State Bar of Arizona, 433 U.S. 350, 97 S.Ct. 2691, 53 L.Ed.2d 810 (1977), 470, 471, 472
- Baugh v. CBS, Inc., 828 F.Supp. 745 (N.D.Cal.1993), 195
- Bay Guardian Co. v. Chronicle Pub. Co., 344 F.Supp. 1155 (N.D.Cal.1972), 637
- Beauharnais v. Illinois, 343 U.S. 250, 72 S.Ct. 725, 96 L.Ed. 919 (1952), 103, 178
- Bechtel v. Federal Communications Commission, 10 F.3d 875 (D.C.Cir.1993), 733
- Bechtel v. Federal Communications Commission, 957 F.2d 873 (D.C.Cir.1992), 732
- Becker v. Federal Communications Commission*, 95 F.3d 75 (D.C.Cir.1996), 873
- BellSouth Corp. v. United States, 868 F.Supp. 1335 (N.D.Ala.1994), 963
- Benford v. American Broadcasting Companies, 502 F.Supp. 1159 (D.Md.1980), 203
- Ben-Oliel v. Press Pub. Co., 251 N.Y. 250, 167 N.E. 432 (N.Y.1929), 88
- Berger v. Hanlon, 188 F.3d 1155 (9th Cir. 1999), 198
- Berger v. Hanlon, 129 F.3d 505 (9th Cir. 1997), 196
- Bernstein v. Department of Commerce, 2004 WL 838163 (N.D.Cal.2004), 1113
- Bernstein v. United States Dept. of Justice, 176 F.3d 1132 (9th Cir.1999), 1112
- Bertrand v. Rand McNally & Co. (D.Mass. 1980), 286
- Bigelow v. Virginia, 421 U.S. 809, 95 S.Ct. 2222, 44 L.Ed.2d 600 (1975), 434, 450
- Bilney v. Evening Star Newspaper Co., 43 Md.App. 560, 406 A.2d 652 (Md.App. 1979), 215
- Bivens v. Six Unknown Agents, 403 U.S. 388, 91 S.Ct. 1999, 29 L.Ed.2d 619 (1971), 197
- Board of Trustees v. Fox, 492 U.S. 469, 109 S.Ct. 3028, 106 L.Ed.2d 388 (1989), 452
- Boddie v. American Broadcasting Companies, 731 F.2d 333 (6th Cir.1984), 203
- Bolger v. Youngs Drug Products Corp., 463 U.S. 60, 103 S.Ct. 2875, 77 L.Ed.2d 469 (1983), 83
- Bonneville Intern. Corp. v. Peters, 153 F.Supp.2d 763 (E.D.Pa.2001), 1093
- Bose Corp. v. Consumers Union, 466 U.S. 485, 104 S.Ct. 1949, 80 L.Ed.2d 502 (1984), 120
- Branch v. Federal Communications Commission, 824 F.2d 37 (D.C.Cir.1987), 760
- Brandenburg v. Ohio, 395 U.S. 444, 89 S.Ct. 1827, 23 L.Ed.2d 430 (1969), 76, 289, 293
- Brandywine-Main Line Radio, Inc. v. Federal Communications Commission, 473 F.2d 16 (D.C.Cir.1972), 741, 817
- Branzburg v. Hayes*, 408 U.S. 665, 92 S.Ct. 2646, 33 L.Ed.2d 626 (1972), 10, 56, 550, 552, 567, 568, 570, 571, 572, 575, 576, 577, 578, 579, 583, 591, 608, 609
- Braun v. Soldier of Fortune Magazine, 749 F.Supp. 1083 (M.D.Ala.1990), 305
- Breard v. City of Alexandria, 341 U.S. 622, 71 S.Ct. 920, 95 L.Ed. 1233 (1951), 433
- Brewer v. Hustler Magazine, Inc., 749 F.2d 527 (9th Cir.1984), 247
- Bridges v. California, 314 U.S. 252, 62 S.Ct. 190, 86 L.Ed. 192 (1941), 540
- Bright Tunes Music Corp. v. Harrisongs Music, Ltd., 420 F.Supp. 177 (S.D.N.Y. 1976), 318
- Briscoe v. Reader's Digest Ass'n, 1972 WL 7259, 1 Med.L.Rptr. 1852 (C.D.Cal. 1972), 214, 224
- Bristol-Myers Co. v. Federal Trade Commission, 185 F.2d 58 (4th Cir.1950), 422
- Broadcast Hoaxes, 7 F.C.C.Rcd 4106, 70 R.R.2d 1383 (1992), 900
- Broadcast of Lottery Information (Charity Games), 67 R.R.2d 996 (1990), 480
- Broadcast Renewal Applicants (Abuses of Comparative Renewal Process), 4 F.C.C.Rcd. 4780, 66 R.R.2d 708 (1989), 746
- Brooks v. American Broadcasting Companies, Inc., 999 F.2d 167 (6th Cir.1993), 173
- Brother Records, Inc. v. Harpercollins Publishers, 141 N.H. 322, 682 A.2d 714 (N.H.1996), 184
- Browning-Ferris Industries of Vermont, Inc. v. Kelco Disposal, Inc., 492 U.S. 257, 109 S.Ct. 2909, 106 L.Ed.2d 219 (1989), 180
- Brown & Williamson Tobacco Corp. v. Jacobson, 827 F.2d 1119 (7th Cir.1987), 180
- Buchanan, State v., 250 Or. 244, 436 P.2d 729 (Or.1968), 571

TABLE OF CASES

- Buchwald v. Paramount Pictures Corp., 1990 WL 357611, 17 Med.L.Rptr. 1257 (Cal.Superior 1990), 317
- Buckley v. Littell, 539 F.2d 882 (2nd Cir. 1976), 94
- Buckley v. Valeo, 424 U.S. 1, 96 S.Ct. 612, 46 L.Ed.2d 659 (1976), 669
- Burleson, Milwaukee Social Democratic Pub. Co. v., 255 U.S. 407, 41 S.Ct. 352, 65 L.Ed. 704 (1921), 53
- Burr, United States v., 25 F.Cas. 49 (C.C.D.Va.1807), 505
- Burson v. Freeman, 504 U.S. 191, 112 S.Ct. 1846, 119 L.Ed.2d 5 (1992), 626
- Butterworth v. Smith, 494 U.S. 624, 110 S.Ct. 1376, 108 L.Ed.2d 572 (1990), 527
- Byers v. Edmondson, 826 So.2d 551 (La. App. 1 Cir.2002), 293
- Byers v. Edmondson, 712 So.2d 681 (La. App. 1 Cir.1998), 293
- C**
- Cable Access Channels (Indecent Programming), 8 F.C.C.Rcd. 2638, 72 R.R.2d 274 (1993), 969
- Cable Access Channels (Indecent Programming), 8 F.C.C.Rcd. 998, 71 R.R.2d 1177 (1993), 969
- Cable Communications Act Rules, 58 R.R.2d 1 (1985), 925, 969
- Cable Communications Policy Act Rules (Signal Availability Standard), 3 F.C.C.Rcd. 2617, 64 R.R.2d 1276 (1988), 925
- Cable Horizontal and Vertical Ownership Limits, 8 F.C.C.Rcd. 8565, 73 R.R.2d 1401 (1993), 650
- Cable News Network v. Noriega, 498 U.S. 976, 111 S.Ct. 451, 112 L.Ed.2d 432 (1990), 62, 525
- Cable Rate Regulation, 8 F.C.C.Rcd. 5631, 72 R.R.2d 733 (1993), 926
- Cable Rate Regulation (Second Reconsideration), 9 F.C.C.Rcd. 1164 (1993), 927
- Cable Television Technical and Operational Requirements, 7 F.C.C.Rcd. 8676 (1992), 916
- Cable Television Technical and Operational Requirements, 7 F.C.C.Rcd. 2021 (1992), 915
- Calder v. Jones, 465 U.S. 783, 104 S.Ct. 1482, 79 L.Ed.2d 804 (1984), 184
- Caldwell, United States v., 408 U.S. 665, 92 S.Ct. 2646, 33 L.Ed.2d 626 (1972), 552
- Campbell v. Acuff-Rose Music, Inc., 510 U.S. 569, 114 S.Ct. 1164, 127 L.Ed.2d 500 (1994), 340
- Campbell Soup Co., 77 F.T.C. 664 (1970), 420, 428
- Cantrell v. Forest City Pub. Co., 419 U.S. 245, 95 S.Ct. 465, 42 L.Ed.2d 419 (1974), 189
- Cape Publications, Inc. v. Bridges, 423 So.2d 426 (Fla.App. 5 Dist.1982), 213
- Capital Broadcasting Co. v. Mitchell, 333 F.Supp. 582 (D.D.C.1971), 449, 774
- Capital Cities/ABC, Inc., 66 R.R.2d 1146 (1989), 655
- Capital Cities Cable, Inc. v. Crisp, 467 U.S. 691, 104 S.Ct. 2694, 81 L.Ed.2d 580 (1984), 914
- Capital Cities Communications, Inc., 54 F.C.C.2d 1035, 34 R.R.2d 1016 (1975), 899
- Carafano v. Metrosplash.com Inc., 207 F.Supp.2d 1055 (C.D.Cal.2002), 1103
- Cardtoons v. Major League Baseball Players Ass'n, 95 F.3d 959 (10th Cir.1996), 254
- Carolene Products Co., United States v., 304 U.S. 144, 58 S.Ct. 778, 82 L.Ed. 1234 (1938), 69
- Carpenter v. United States, 484 U.S. 19, 108 S.Ct. 316, 98 L.Ed.2d 275 (1987), 479
- Carpenter, United States v., 791 F.2d 1024 (2nd Cir.1986), 479
- Carr v. Hood, 170 Eng. Rep. 983 (K.B. 1808), 101
- Carriage of Digital Television Broadcast Signals, 20 F.C.C.Rcd. 4516, 35 C.R. 208 (2005), 961
- Carson v. Here's Johnny Portable Toilets, Inc., 698 F.2d 831 (6th Cir.1983), 253
- Cassidy v. American Broadcasting Companies, 60 Ill.App.3d 831, 17 Ill.Dec. 936, 377 N.E.2d 126 (Ill.App. 1 Dist.1978), 206
- CBS Inc., 63 R.R.2d 483 (M.Med.Bur.1987), 758
- CBS, Inc. v. Federal Communications Commission, 453 U.S. 367, 101 S.Ct. 2813, 69 L.Ed.2d 706 (1981), 763, 765
- Central Florida Enterprises, Inc. v. Federal Communications Commission, 683 F.2d 503 (D.C.Cir.1982), 746
- Central Florida Enterprises, Inc. v. Federal Communications Commission, 598 F.2d 37 (D.C.Cir.1978), 745
- Central Hudson Gas & Elec. Corp. v. Public Service Commission of New York, 447 U.S. 557, 100 S.Ct. 2343, 65 L.Ed.2d 341 (1980), 439, 449, 450, 452, 453, 469, 482, 491, 492, 494, 495
- Central Telecommunications, Inc. v. TCI Cablevision, Inc., 800 F.2d 711 (8th Cir. 1986), 918
- Century Communications Corp. v. Federal Communications Commission, 835 F.2d 292 (D.C.Cir.1987), 931
- Century Federal, Inc. v. City of Palo Alto, 710 F.Supp. 1559 (N.D.Cal.1988), 920

TABLE OF CASES

- Century Federal, Inc. v. City of Palo Alto, Cal., 710 F.Supp. 1552 (N.D.Cal.1987), 920
- Century Federal, Inc. v. City of Palo Alto, Cal., 648 F.Supp. 1465 (N.D.Cal.1986), 919, 922
- Chandler v. Florida, 449 U.S. 560, 101 S.Ct. 802, 66 L.Ed.2d 740 (1981), 542, 543
- Chaplinsky v. New Hampshire, 315 U.S. 568, 62 S.Ct. 766, 86 L.Ed. 1031 (1942), 51, 71, 81, 102, 103, 178, 374
- Character Qualifications in Broadcast Licensing, 102 F.C.C.2d 1179, 59 R.R.2d 801 (1986), 726, 731
- Character Qualifications Policy, 69 R.R.2d 279 (1991), 726
- Character Qualifications Policy, 67 R.R.2d 1107 (1990), 726
- Charles of the Ritz v. Federal Trade Commission, 143 F.2d 676 (2nd Cir.1944), 416
- Cherry v. Des Moines Leader, 114 Iowa 298, 86 N.W. 323 (Iowa 1901), 101
- Chesapeake and Potomac Telephone Co. of Virginia v. United States, 42 F.3d 181 (4th Cir.1994), 963
- Chesapeake and Potomac Telephone Co. of Virginia v. United States, 830 F.Supp. 909 (E.D.Va.1993), 962, 964
- Chicago, City of v. Tribune Co., 307 Ill. 595, 139 N.E. 86 (Ill.1923), 89
- Chicago Joint Bd., Amalgamated Clothing Workers of America v. Chicago Tribune Co., 435 F.2d 470 (7th Cir.1970), 670
- Chicago Professional Sports Ltd. Partnership and WGN Continental Broadcasting v. National Basketball Ass'n, 961 F.2d 667 (7th Cir.1992), 929
- Children's Programming (Profit-Sharing Arrangements), 58 R.R.2d 90 (F.C.C. 1985), 497
- Children's Television Obligations of Digital Television Broadcasters, 19 F.C.C.Rcd. 22943, 34 C.R. 531 (2004), 908
- Children's Television Report and Policy Statement, 50 F.C.C.2d 1, 31 R.R.2d 1228 (1974), 496
- Chisholm v. Federal Communications Commission, 538 F.2d 349 (D.C.Cir.1976), 753, 754, 756
- Chronicle & Gazette Pub. Co. v. Attorney General, 94 N.H. 148, 48 A.2d 478 (N.H. 1946), 671
- Chrysler Corp. v. Brown, 441 U.S. 281, 99 S.Ct. 1705, 60 L.Ed.2d 208 (1979), 600
- Chrysler Corp. v. Federal Trade Commission, 561 F.2d 357 (D.C.Cir.1977), 417
- Cincinnati, City of v. Discovery Network, Inc., 507 U.S. 410, 113 S.Ct. 1505, 123 L.Ed.2d 99 (1993), 54, 455
- Citizen Awareness Regarding Educ. v. Calhoun County Pub., Inc., 185 W.Va. 168, 406 S.E.2d 65 (W.Va.1991), 668
- Citizen Pub. Co. v. United States, 394 U.S. 131, 89 S.Ct. 927, 22 L.Ed.2d 148 (1969), 635
- Citizens Communications Center v. Federal Communications Commission, 447 F.2d 1201 (D.C.Cir.1971), 745
- Citizens for Reagan, 58 F.C.C.2d 925, 36 R.R.2d 885 (1976), 758
- City of (see name of city)**
- Clear Channel Communications, 19 F.C.C.Rcd. 1768, 31 C.R. 646 (2004), 861
- Clear Television Cable Corp. v. Board of Public Utility Com'rs, 85 N.J. 30, 424 A.2d 1151 (N.J.1981), 916
- Clorox Co. v. P&G, 228 F.3d 24 (1st Cir. 2000), 424
- Codification of the Commission's Political Programming Policies, 7 F.C.C.Rcd. 4611, 70 R.R.2d 1331 (1992), 759, 761
- Coe, State v., 101 Wash.2d 364, 679 P.2d 353 (Wash.1984), 516
- Cohen v. California, 403 U.S. 15, 91 S.Ct. 1780, 29 L.Ed.2d 284 (1971), 83
- Cohen v. Cowles Media Co., 479 N.W.2d 387 (Minn.1992), 591
- Cohen v. Cowles Media Co.*, 501 U.S. 663, 111 S.Ct. 2513, 115 L.Ed.2d 586 (1991), 584, 840
- Coleman v. MacLennan, 78 Kan. 711, 98 P. 281 (Kan.1908), 102
- Columbia Broadcasting System (Lar Daly), 26 F.C.C. 715 (1959), 752
- Columbia Broadcasting System (Suez Crisis), 14 R.R. 720 (F.C.C.1956), 752
- Columbia Broadcasting System (United Fund), 14 R.R. 524 (F.C.C.1956), 752
- Columbia Broadcasting System, Inc. v. Democratic Nat. Committee, 412 U.S. 94, 93 S.Ct. 2080, 36 L.Ed.2d 772 (1973), 685, 720, 756
- Columbia Ins. Co. v. Seescandy.com, 185 F.R.D. 573 (N.D.Cal.1999), 1105
- Commonwealth v. _____ (see opposing party)**
- Committee for an Independent P-I v. Hearst Corp., 704 F.2d 467 (9th Cir. 1983), 638
- Community for Creative Non-Violence v. Reid, 490 U.S. 730, 109 S.Ct. 2166, 104 L.Ed.2d 811 (1989), 311, 312
- Community Television v. Wilkinson, 611 F.Supp. 1099 (D.Utah 1985), 969
- Complaint of (see name of party)**
- Complaints Against Various Broadcast Licenses Regarding the Airing of the "Golden Globe Awards Program", 19 F.C.C.Rcd. 4975, 32 C.R. 78 (2004), 861
- Complaints Regarding Various Television Broadcasts between February 2, 2002

TABLE OF CASES

and March 8, 2005, 21 F.C.C.Rcd. 2664, 37 C.R. 1361 (2006), 862

Complaints Regarding Various Television Broadcasts between February 2, 2002 and March 8, 2005, 21 F.C.C.Rcd. 13299, 39 C.R. 1065 (2006), 863

Complaints Against Various Television Licensees Concerning Their December 31, 2004 Broadcast of the Program "Without A Trace," 21 F.C.C.Rcd. 3110 (2006), 872

Complaints Against Various Television Licensees Regarding Their Broadcast on November 11, 2004, of the ABC Television Network's Presentation of the Film "Saving Private Ryan," 20 F.C.C.Rcd. 4507, 35 C.R. 386 (2005), 862

Compulsory Copyright License for Cable Retransmission, 4 F.C.C.Rcd. 6711, 66 R.R.2d 1259 (1989), 930

Compulsory Copyright License for Cable Retransmission, 2 F.C.C.Rcd. 2387 (1987), 930

Consolidated Cigar Corp. v. Reilly, 218 F.3d 30 (1st Cir.2000), 469

Continental Broadcasting, Inc. v. Federal Communications Commission, 439 F.2d 580 (D.C.Cir.1971), 740

Cooga Mooga, Inc., et al., 92 F.T.C. 310 (1978), 422

Cooper v. Greeley, 1 Denio 347 (N.Y.Sup. 1845), 90

Courtroom TV Network v. State, 800 N.Y.S.2d 522, 833 N.E.2d 1197 (N.Y. 2005), 543

Cowles Broadcasting, Inc. (WESH-TV), 86 F.C.C.2d 993, 49 R.R.2d 1138 (1981), 745

Cox v. New Hampshire, 312 U.S. 569, 61 S.Ct. 762, 85 L.Ed. 1049 (1941), 68

Cox Broadcasting Corp. v. Cohn, 420 U.S. 469, 95 S.Ct. 1029, 43 L.Ed.2d 328 (1975), 213, 219, 224, 225, 226, 227, 240, 253, 525, 546

Cox Cable Communications, Inc. v. United States, 992 F.2d 1178 (11th Cir.1993), 922

Craig v. Harney, 331 U.S. 367, 67 S.Ct. 1249, 91 L.Ed. 1546 (1947), 509, 541

Creation of a Low Power Radio Service, 16 F.C.C.Rcd. 8026 (2001), 696

Cubby, Inc. v. CompuServe, Inc., 776 F.Supp. 135 (S.D.N.Y.1991), 1094

Cullman Broadcasting Co., 40 F.C.C.2d 576 (S.D.N.Y.1991), 771, 779

Curtis Pub. Co. v. Butts, 388 U.S. 130, 87 S.Ct. 1975, 18 L.Ed.2d 1094 (1967), 116, 117, 118, 119, 121, 137, 183

Cyber Promotions, Inc. v. America Online, 948 F.Supp. 436 (E.D.Pa.1996), 1108

D

Daily Herald Co. v. Munro, 838 F.2d 380 (9th Cir.1988), 625, 626

Daily Pantagraph v. Baner, 469 U.S. 977, 105 S.Ct. 376, 83 L.Ed.2d 312 (1984), 291, 292

Dameron v. Washington Magazine, Inc., 779 F.2d 736 (D.C.Cir.1985), 144, 217

Daniels Cablevision v. United States, 819 F.Supp. 32 (D.D.C.1993), 650, 961, 972

Davis v. Duryea, 99 Misc.2d 933, 417 N.Y.S.2d 624 (N.Y.Sup.1979), 247

DeFilippo v. National Broadcasting Co., Inc., 446 A.2d 1036 (R.I.1982), 282, 293

Democratic Nat. Committee v. Federal Communications Commission, 717 F.2d 1471 (D.C.Cir.1983), 778

Democratic Nat. Committee v. Federal Communications Commission, 481 F.2d 543 (D.C.Cir.1973), 776

Democratic Nat. Committee v. McCord, 356 F.Supp. 1394 (D.D.C.1973), 576, 577

Dendrite International Inc. v. Doe, N.J. Super. Ct., Ch. Div., Morris County, No. MRS C-29-00 (2000), 1105

Dennis v. United States, 341 U.S. 494, 71 S.Ct. 857, 95 L.Ed. 1137 (1951), 75

Dennis J. Kucinich v. Cable News Network, 23 F.C.C.Rcd. 482 (2008), 757, 968

Denver Area Educational Telecommunications Consortium, Inc. v. Federal Communications Commission, 518 U.S. 727, 116 S.Ct. 2374, 135 L.Ed.2d 888 (1996), 970

Deregulation of Radio, 84 F.C.C.2d 968, 49 R.R.2d 1 (1981), 727

Des Moines Register & Tribune Co. v. Osmondson, 248 N.W.2d 493 (Iowa 1976), 537

Desnick v. American Broadcasting Companies, 44 F.3d 1345 (7th Cir.1995), 209

Diamond v. Am-Law Pub. Corp., 745 F.2d 142 (2nd Cir.1984), 333

Diaz v. Oakland Tribune, Inc., 139 Cal. App.3d 118, 188 Cal.Rptr. 762 (Cal.App. 1 Dist.1983), 212

Dickey v. CBS Inc., 583 F.2d 1221 (3rd Cir.1978), 175

Dickinson, United States v., 465 F.2d 496 (5th Cir.1972), 60, 539

Diesen v. Hessburg, 455 N.W.2d 446 (Minn. 1990), 173

Dietemann v. Time, Inc., 449 F.2d 245 (9th Cir.1971), 204, 206, 207, 209

Digital Audio Broadcasting Systems and Their Impact on the Terrestrial Radio Broadcast Service, 22 F.C.C.R. 10344 (2007), 708

Digital Audio Broadcasting Systems and Their Impact on Terrestrial Radio

TABLE OF CASES

Broadcast Service, 17 F.C.C.Rcd. 19990 (2002), 707
 Digital Audio Radio Services, 10 F.C.C.Rcd. 2300, 76 R.R.2d 1477 (1995), 707
 Digital Broadcast Content Protection, 18 F.C.C.Rcd. 23550 (2003), 704
 Diocese of Rockville Centre, 50 F.C.C.2d 330 (1973), 776
 Diocesan Union of Holy Name Societies, 41 F.C.C.2d 297, 28 R.R.2d 545 (1973), 772
 Dixon v. Newsweek, Inc., 562 F.2d 626 (10th Cir.1977), 175
 Doe v. American Broadcasting Companies, Inc., 152 A.D.2d 482, 543 N.Y.S.2d 455 (N.Y.A.D. 1 Dept.1989), 267
 Doe v. Roe, 93 Misc.2d 201, 400 N.Y.S.2d 668 (N.Y.Sup.1977), 244
 Douglass v. Hustler Magazine, Inc., 769 F.2d 1128 (7th Cir.1985), 247
 Downing v. Monitor Pub. Co., 120 N.H. 383, 415 A.2d 683 (N.H.1980), 581
 Drug Trafficking Policy, 4 F.C.C.Rcd. 7533 (1989), 740
 Dun & Bradstreet, Inc. v. Greenmoss Builders, Inc., 472 U.S. 749, 105 S.Ct. 2939, 86 L.Ed.2d 593 (1985), 145, 146, 281, 287
 Dunifer, United States v., 997 F.Supp. 1235 (N.D.Cal.1998), 724

E

Eastern Educational Radio (WUHY-FM), 24 F.C.C.2d 408, 18 R.R.2d 860 (1970), 819
 Edenfield v. Fane, 507 U.S. 761, 113 S.Ct. 1792, 123 L.Ed.2d 543 (1993), 473
 Edge Broadcasting Co. v. United States, 732 F.Supp. 633 (E.D.Va.1990), 482
Edge Broadcasting Co., United States v., 509 U.S. 418, 113 S.Ct. 2696, 125 L.Ed.2d 345 (1993), 483, 490, 492
 Edwards v. National Audubon Soc., Inc., 556 F.2d 113 (2nd Cir.1977), 174, 175
 Edwards v. South Carolina, 372 U.S. 229, 83 S.Ct. 680, 9 L.Ed.2d 697 (1963), 81
 Effective Competition, 6 F.C.C.Rcd. 4545, 69 R.R.2d 671 (1991), 926
 Eichman, United States v., 496 U.S. 310, 110 S.Ct. 2404, 110 L.Ed.2d 287 (1990), 80
Eimann v. Soldier of Fortune Magazine, Inc., 880 F.2d 830 (5th Cir.1989), 295, 305
 Eldred v. Ashcroft, 537 U.S. 186, 123 S.Ct. 769, 154 L.Ed.2d 683 (2003), 315
 El Meson Espanol v. NYM Corp., 521 F.2d 737 (2nd Cir.1975), 89
 Elimination of Unnecessary Broadcast Regulation (Business Practices), 59 R.R.2d 1500 (1986), 739

Enforcement Policies Regarding Broadcast Indecency, 16 F.C.C.Rcd. 7999 (2001), 860
 Erie Telecommunications, Inc. v. City of Erie, 659 F.Supp. 580 (W.D.Pa.1987), 919
 Erie Telecommunications, Inc. v. City of Erie, Pa., 853 F.2d 1084 (3rd Cir.1988), 919
 Erznosnik v. Jacksonville, 422 U.S. 205, 95 S.Ct. 2268, 45 L.Ed.2d 125 (1975), 84, 396, 397, 840
 Estes v. Texas, 381 U.S. 532, 85 S.Ct. 1628, 14 L.Ed.2d 543 (1965), 243, 542, 543

F

Fairness Report of 1974, 48 F.C.C.2d 1, 30 R.R.2d 1261 (1974), 768, 779
 Falwell v. Flynt (W.D.Va.1985), 260
 Falwell v. Flynt, 797 F.2d 1270 (4th Cir. 1986), 260
 Farber, Matter of, 78 N.J. 259, 394 A.2d 330 (N.J.1978), 504, 572, 574, 591
 Farmers Educational & Co-op. Union v. WDAY, Inc., 360 U.S. 525, 79 S.Ct. 1302, 3 L.Ed.2d 1407 (1959), 100, 750
 Farr v. Superior Court, 22 Cal.App.3d 60, 99 Cal.Rptr. 342 (Cal.App. 2 Dist.1971), 582
 Farr, In re, 64 Cal.App.3d 605, 134 Cal. Rptr. 595 (Cal.App. 2 Dist.1976), 582
 Favorite v. Miller, 176 Conn. 310, 407 A.2d 974 (Conn.1978), 192
 Federal Communications Commission v. American Broadcasting Co., 347 U.S. 284, 74 S.Ct. 593, 98 L.Ed. 699 (1954), 481
 Federal Communications Commission v. Beach Communications, 508 U.S. 307, 113 S.Ct. 2096, 124 L.Ed.2d 211 (1993), 976
 Federal Communications Commission v. Fox Television Stations, Inc., — U.S. —, 128 S.Ct. 1647, 170 L.Ed.2d 352 (2008), 872
Federal Communications Commission v. League of Women Voters of California, 468 U.S. 364, 104 S.Ct. 3106, 82 L.Ed.2d 278 (1984), 713, 794
 Federal Communications Commission v. Midwest Video Corp. (Midwest II), 440 U.S. 689, 99 S.Ct. 1435, 59 L.Ed.2d 692 (1979), 914, 965
 Federal Communications Commission v. National Citizens Committee for Broadcasting, 436 U.S. 775, 98 S.Ct. 2096, 56 L.Ed.2d 697 (1978), 645
Federal Communications Commission v. Pacifica Foundation, 438 U.S. 726, 98

TABLE OF CASES

- S.Ct. 3026, 57 L.Ed.2d 1073 (1978), 85, 713, 823, 840, 841, 843, 844, 969, 970
 Federal Communications Commission v. WOKO, Inc., 329 U.S. 223, 67 S.Ct. 213, 91 L.Ed. 204 (1946), 739
 Federal Election Commission v. Wisconsin Right To Life, — U.S. —, 127 S.Ct. 2652, 168 L.Ed.2d 329 (2007), 476
 Federal-State Joint Bd. on Universal Service, 16 F.C.C.Rd. 8182 (2001), 1025
 Federal Trade Commission v. Colgate-Palmolive Co., 380 U.S. 374, 85 S.Ct. 1035, 13 L.Ed.2d 904 (1965), 419
 Federal Trade Commission v. Mary Carter Paint Co., 382 U.S. 46, 86 S.Ct. 219, 15 L.Ed.2d 128 (1965), 416, 419
 Federal Trade Commission v. Raladam Co., 283 U.S. 643, 51 S.Ct. 587, 75 L.Ed. 1324 (1931), 414
 Federal Trade Commission v. R.F. Keppel & Bro., 291 U.S. 304, 54 S.Ct. 423, 78 L.Ed. 814 (1934), 415, 495
 Federal Trade Commission v. Sperry & Hutchinson Co., 405 U.S. 233, 92 S.Ct. 898, 31 L.Ed.2d 170 (1972), 415
 Federal Trade Commission v. World Travel Vacation Brokers, Inc., 861 F.2d 1020 (7th Cir.1988), 417
 Federated Publications v. Swedberg, 96 Wash.2d 13, 633 P.2d 74 (Wash.1981), 535
 Feiner v. New York, 340 U.S. 315, 71 S.Ct. 303, 95 L.Ed. 295 (1951), 81
 Feist Publications, Inc. v. Rural Telephone Service Co., Inc., 499 U.S. 340, 111 S.Ct. 1282, 113 L.Ed.2d 358 (1991), 309
 Felix v. Westinghouse Radio Stations, 186 F.2d 1 (3rd Cir.1950), 750
 Ferguson v. Friendfinders, Inc., 115 Cal. Rptr.2d 258 (Cal.App. 1 Dist.2002), 1108
 First Nat. Bank of Boston v. Bellotti, 435 U.S. 765, 98 S.Ct. 1407, 55 L.Ed.2d 707 (1978), 78, 473, 475, 530, 669
 Florida, State of v. Globe Communications Corp., 648 So.2d 110 (Fla.1994), 242
 Florida Bar v. Went For It, Inc., 515 U.S. 618, 115 S.Ct. 2371, 132 L.Ed.2d 541 (1995), 471
 Florida Pub. Co. v. Fletcher, 340 So.2d 914 (Fla.1976), 192, 194, 197
 Flynt v. Weinberger, 762 F.2d 134 (D.C.Cir. 1985), 620
 Food Lion, Inc. v. Capital Cities/ABC, Inc., 194 F.3d 505 (4th Cir.1999), 207
 Forbes v. Arkansas Educational Television Com'n, 93 F.3d 497 (8th Cir.1996), 811
 Fortnightly Corp. v. United Artists Television, 392 U.S. 390, 88 S.Ct. 2084, 20 L.Ed.2d 1176 (1968), 913
 Fort Wayne Books, Inc. v. Indiana, 489 U.S. 46, 109 S.Ct. 916, 103 L.Ed.2d 34 (1989), 396
 44 *Liquormart, Inc. v. Rhode Island*, 517 U.S. 484, 116 S.Ct. 1495, 134 L.Ed.2d 711 (1996), 455, 468, 469, 491, 492, 494
Fox Television Stations, Inc. v. Federal Communications Commission, 489 F.3d 444 (2nd Cir.2007), 863, 897
Freedman v. Maryland, 380 U.S. 51, 85 S.Ct. 734, 13 L.Ed.2d 649 (1965), 58, 396
Free Speech Coalition v. Reno, 198 F.3d 1083 (9th Cir.1999), 411
Friedman v. Rogers, 440 U.S. 1, 99 S.Ct. 887, 59 L.Ed.2d 100 (1979), 472
Friends of Earth v. Federal Communications Commission, 449 F.2d 1164 (D.C.Cir.1971), 773
Friends of Howard Miller, 72 F.C.C.2d 508 (1979), 779
Fulani v. Federal Communications Commission, 49 F.3d 904 (2nd Cir.1995), 759
- ## G
- Galella v. Onassis*, 487 F.2d 986 (2nd Cir. 1973), 200
Gambuzza v. Time, Inc., 18 A.D.2d 351, 239 N.Y.S.2d 466 (N.Y.A.D. 1 Dept.1963), 91, 92
Gannett Co. v. DePasquale, 443 U.S. 368, 99 S.Ct. 2898, 61 L.Ed.2d 608 (1979), 528, 529, 530, 532, 534
Garland v. Torre, 259 F.2d 545 (2nd Cir. 1958), 549
Garrett v. Estelle, 556 F.2d 1274 (5th Cir. 1977), 629
Garrison v. Louisiana, 379 U.S. 64, 85 S.Ct. 209, 13 L.Ed.2d 125 (1964), 115, 118, 177, 667
Gault, In re, 387 U.S. 1, 87 S.Ct. 1428, 18 L.Ed.2d 527 (1967), 536
Geary v. Goldstein, 831 F.Supp. 269 (S.D.N.Y.1993), 95
Gelb v. Federal Trade Commission, 144 F.2d 580 (2nd Cir.1944), 416
General Media Communications, Inc. v. Cohen, 131 F.3d 273 (2nd Cir.1997), 397
General Media Communications, Inc. v. Perry, 952 F.Supp. 1072 (S.D.N.Y.1997), 396
Gentile v. State Bar of Nevada, 501 U.S. 1030, 111 S.Ct. 2720, 115 L.Ed.2d 888 (1991), 524, 526
George Corey, 37 F.C.C.2d 641, 25 R.R.2d 437 (1972), 881
Gertz v. Robert Welch, Inc., 680 F.2d 527 (7th Cir.1982), 137
Gertz v. Robert Welch, Inc., 418 U.S. 323, 94 S.Ct. 2997, 41 L.Ed.2d 789 (1974), 98, 102, 119, 123, 137, 138, 139, 140, 142, 143, 144, 145, 146, 154, 174, 176, 177, 190, 191, 217, 287

TABLE OF CASES

Gillette Co. v. Wilkinson Sword, Inc., 795 F.Supp. 662 (S.D.N.Y.1992), 480

Ginsberg v. New York, 390 U.S. 629, 88 S.Ct. 1274, 20 L.Ed.2d 195 (1968), 397, 402

Ginzburg v. United States, 383 U.S. 463, 86 S.Ct. 942, 16 L.Ed.2d 31 (1966), 77, 374, 412

Giragi v. Moore, 49 Ariz. 74, 64 P.2d 819 (Ariz.1937), 641

Gitlow v. New York, 268 U.S. 652, 45 S.Ct. 625, 69 L.Ed. 1138 (1925), 50, 72, 75

Globe Newspaper Co. v. Beacon Hill Architectural Com'n, 100 F.3d 175 (1st Cir. 1996), 55

Globe Newspaper Co. v. Norfolk County Superior Court, 457 U.S. 596, 102 S.Ct. 2613, 73 L.Ed.2d 248 (1982), 534

Globe Newspaper Co. v. Pokaski, 684 F.Supp. 1132 (D.Mass.1988), 538

Gore Newspapers Co. v. Shevin, 397 F.Supp. 1253 (S.D.Fla.1975), 671

Grand Jury Proceedings, In re, 29 Med. L.Rptr. 2301 (5th Cir.2001), 594

Great Lakes Broadcasting Co., 3 F.R.C. Ann. Rep. 32 (1929), 711, 767

Greater Boston Television Corp. v. Federal Communications Commission, 444 F.2d 841 (D.C.Cir.1970), 722

Greater New Orleans Broadcasting Ass'n v. United States, 149 F.3d 334 (5th Cir. 1998), 491, 495

Greater New Orleans Broadcasting Ass'n v. United States, 519 U.S. 801, 117 S.Ct. 39, 136 L.Ed.2d 3 (1996), 469

Greater New Orleans Broadcasting Ass'n v. United States, 69 F.3d 1296 (5th Cir. 1995), 491

Greenbelt Co-op. Pub. Ass'n v. Bresler, 398 U.S. 6, 90 S.Ct. 1537, 26 L.Ed.2d 6 (1970), 90

Green Valley School, Inc. v. Cowles Florida Broadcasting, Inc., 327 So.2d 810 (Fla. App. 1 Dist.1976), 193

Gregory v. Chicago, 394 U.S. 111, 89 S.Ct. 946, 22 L.Ed.2d 134 (1969), 81

Grosjean v. American Press Co., 297 U.S. 233, 56 S.Ct. 444, 80 L.Ed. 660 (1936), 640, 642

Groucho Marx Productions v. Day and Night Co., 523 F.Supp. 485 (S.D.N.Y. 1981), 253

Group W Cable, Inc. v. Santa Cruz, 669 F.Supp. 954 (N.D.Cal.1987), 920

Group W Television, Inc. v. State, 96 Md. App. 712, 626 A.2d 1032 (Md.App.1993), 539

Guccione v. Hustler Magazine, Inc., 800 F.2d 298 (2nd Cir.1986), 95

H

Hague v. CIO, 307 U.S. 496, 59 S.Ct. 954, 83 L.Ed. 1423 (1939), 81

Hamling v. United States, 418 U.S. 87, 94 S.Ct. 2887, 41 L.Ed.2d 590 (1974), 394, 397

Hanberry v. Hearst Corp., 276 Cal.App.2d 680, 81 Cal.Rptr. 519 (Cal.App. 4 Dist. 1969), 304

Hanlon v. Berger, 526 U.S. 808, 119 S.Ct. 1706, 143 L.Ed.2d 978 (1999), 198

Hannegan v. Esquire, Inc., 327 U.S. 146, 66 S.Ct. 456, 90 L.Ed. 586 (1946), 53

Harper & Row Publishers, Inc. v. Nation Enterprises, 471 U.S. 539, 105 S.Ct. 2218, 85 L.Ed.2d 588 (1985), 319, 334, 335

Harte-Hanks Communications, Inc. v. Connaughton, 491 U.S. 657, 109 S.Ct. 2678, 105 L.Ed.2d 562 (1989), 122

Hawkins v. Multimedia, Inc., 288 S.C. 569, 344 S.E.2d 145 (S.C.1986), 214

Hazelwood School Dist. v. Kuhlmeier, 484 U.S. 260, 108 S.Ct. 562, 98 L.Ed.2d 592 (1988), 62

Health and Medicine Policy Research Group v. Federal Communications Commission, 807 F.2d 1038 (D.C.Cir.1986), 647

Hearst Magazine, Matter of, 32 F.T.C. 1440 (1941), 422

Hearst Radio, Inc. (WBAL), 15 F.C.C. 1149, 6 R.R. 994 (1951), 422

Heath v. Playboy Enterprises, Inc., 732 F.Supp. 1145 (S.D.Fla.1990), 214

Heckel, State v., 143 Wash.2d 824, 24 P.3d 404 (Wash.2001), 1108

Henry, State v., 302 Or. 510, 732 P.2d 9 (Or.1987), 398

Herbert v. Lando, 441 U.S. 153, 99 S.Ct. 1635, 60 L.Ed.2d 115 (1979), 120, 578, 579, 580

Herceg v. Hustler Magazine, Inc., 814 F.2d 1017 (5th Cir.1987), 271, 282, 287

Hess v. Indiana, 414 U.S. 105, 94 S.Ct. 326, 38 L.Ed.2d 303 (1973), 76

Hilton, United States v., 167 F.3d 61 (1st Cir.1999), 411

Hoehling v. Universal City Studios, Inc., 618 F.2d 972 (2nd Cir.1980), 307

Hoffman v. Capital Cities/ABC, 255 F.3d 1180 (9th Cir.2001), 256

Holden v. Minnesota, 137 U.S. 483, 11 S.Ct. 143, 34 L.Ed. 734 (1890), 630

Holman v. Central Arkansas Broadcasting Co., 610 F.2d 542 (8th Cir.1979), 214

Homefinders of America, Inc. v. Providence Journal Co., 621 F.2d 441 (1st Cir.1980), 634

TABLE OF CASES

- Home Placement Service, Inc. v. Providence Journal Co., 682 F.2d 274 (1st Cir.1982), 634
- Hospitality Investments of Philadelphia, Inc. v. Pennsylvania State Police, 517 U.S. 1206, 116 S.Ct. 1821, 134 L.Ed.2d 927 (1996), 469
- Houchins v. KQED, Inc.*, 438 U.S. 1, 98 S.Ct. 2588, 57 L.Ed.2d 553 (1978), 611
- Housing Opportunities Made Equal, Inc. v. Cincinnati Enquirer, Inc., 943 F.2d 644 (6th Cir.1991), 454
- Howard v. Des Moines Register and Tribune Co., 283 N.W.2d 289 (Iowa 1979), 212, 224
- Hudson Pharmaceutical Corp., 89 F.T.C. 82 (1977), 498
- Hustler Magazine v. Falwell*, 485 U.S. 46, 108 S.Ct. 876, 99 L.Ed.2d 41 (1988), 261
- Hustler Magazine, Inc. v. Moral Majority, Inc., 606 F.Supp. 1526 (C.D.Cal.1985), 260
- Hutchinson v. Proxmire, 443 U.S. 111, 99 S.Ct. 2675, 61 L.Ed.2d 411 (1979), 142
- Hyde v. City of Columbia, 637 S.W.2d 251 (Mo.App. W.D.1982), 270
- Infinity Broadcasting Operations, Inc. (WKRK-FM), 18 F.C.C.Rcd. 6915 (2003), 860
- In Interest of M.B., 137 Ill.App.3d 992, 92 Ill.Dec. 299, 484 N.E.2d 1154 (Ill.App. 4 Dist.1985), 292
- Inquiry Into Section 73.1910 of the Commission's Rules and Regulations Concerning the General Fairness Doctrine Obligations of Broadcast Licensees, 102 F.C.C.2d 142, 58 R.R.2d 1137 (1985), 779
- In re (see name of party)**
- Interactive Digital Software Ass'n v. St. Louis County, Mo., 329 F.3d 954 (8th Cir.2003), 295
- International News Service v. Associated Press, 248 U.S. 215, 39 S.Ct. 68, 63 L.Ed. 211 (1918), 342
- Irvin v. Dowd, 366 U.S. 717, 81 S.Ct. 1639, 6 L.Ed.2d 751 (1961), 506, 510
- ITFS (MDS Reallocation), 54 R.R.2d 107 (1983), 974
- ITT Continental Baking Co., 83 F.T.C. 1105 (1973), 424
- ITT Continental Baking Co., In re, 79 F.T.C. 248 (F.T.C.1971), 424

I

- Illinois Citizens Committee for Broadcasting v. Federal Communications Commission, 515 F.2d 397 (D.C.Cir.1974), 821
- Immuno A.G. v. Moor-Jankowski, 549 N.Y.S.2d 938, 549 N.E.2d 129 (N.Y. 1989), 154
- Implementation of Section 551 of the Telecommunications Act of 1996, 13 F.C.C.Rcd. 8232, 11 C.R. 934 (1998), 885
- Implementation of Section 621(a)(1) of the Cable Communications Policy Act of 1984 as Amended by the Cable Television Consumer Protection and Competition Act of 1992, 22 F.C.C.R. 5101 (2007), 925
- Implementation of Section 309(j) of the Communications Act—Competitive Bidding for Commercial Broadcast and Instructional Television Fixed Service Licenses, 13 F.C.C.Rcd. 15920, 13 C.R. 279 (1998), 725
- Infinity Broadcasting, 18 F.C.C.Rcd. 19954, 30 C.R. 553 (2003), 860
- Infinity Broadcasting Corp. of Pennsylvania, 2 F.C.C.Rcd. 2705, 62 R.R.2d 1202 (1987), 841
- Infinity Broadcasting Corp. of Pennsylvania (Indecency Policy Reconsideration), 3 F.C.C.Rcd. 930, 64 R.R.2d 211 (1987), 841, 844

J

- Jackson v. Longcope*, 394 Mass. 577, 476 N.E.2d 617 (Mass.1985), 95
- Jacobellis v. Ohio*, 378 U.S. 184, 84 S.Ct. 1676, 12 L.Ed.2d 793 (1964), 374
- James Cable Partners, L.P. v. City of Jamestown*, 43 F.3d 277 (6th Cir.1995), 922
- Jaubert v. Crowley Post-Signal, Inc.*, 375 So.2d 1386 (La.1979), 214
- JB Pictures, Inc. v. Department of Defense*, 86 F.3d 236 (D.C.Cir.1996), 622
- J.B. Williams Co. v. Federal Trade Commission*, 381 F.2d 884 (6th Cir.1967), 423
- J.B. Williams Co., Inc., United States v.*, 498 F.2d 414 (2nd Cir.1974), 427
- Jenkins v. Georgia*, 418 U.S. 153, 94 S.Ct. 2750, 41 L.Ed.2d 642 (1974), 394
- Jeppson v. United Television*, 580 P.2d 1087 (Utah 1978), 247
- John Doe Agency v. John Doe Corp.*, 493 U.S. 146, 110 S.Ct. 471, 107 L.Ed.2d 462 (1989), 600
- Johnson v. Federal Communications Commission*, 829 F.2d 157 (D.C.Cir.1987), 756
- Johnson v. Harcourt, Brace, Jovanovich, Inc.*, 43 Cal.App.3d 880, 118 Cal.Rptr. 370 (Cal.App. 2 Dist.1974), 215
- Johnston Broadcasting Co. v. Federal Communications Commission*, 175 F.2d 351 (D.C.Cir.1949), 731

TABLE OF CASES

Jones v. Wilkinson, 800 F.2d 989 (10th Cir. 1986), 969
Joseph Burstyn, Inc. v. Wilson, 343 U.S. 495, 72 S.Ct. 777, 96 L.Ed. 1098 (1952), 395
Judas Priest v. Vance, 104 Nev. 424, 760 P.2d 137 (Nev.1988), 284
Julian Bond, 69 F.C.C.2d 943, 43 R.R.2d 1015 (Bd.Bur.1978), 873
Junger v. Daley, 209 F.3d 481 (6th Cir. 2000), 1109
Justice Department v. Landano, 508 U.S. 165, 113 S.Ct. 2014, 124 L.Ed.2d 84 (1993), 602

K

Kalwajtys v. Federal Trade Commission, 237 F.2d 654 (7th Cir.1956), 417
Kasky v. Nike, Inc., 119 Cal.Rptr.2d 296, 45 P.3d 243 (Cal.2002), 449
Kathleen R. v. City of Livermore, 104 Cal. Rptr.2d 772 (Cal.App. 1 Dist.2001), 1024
Keele Hair & Scalp Specialists, Inc. v. Federal Trade Commission, 275 F.2d 18 (5th Cir.1960), 418
Keeton v. Hustler Magazine, 465 U.S. 770, 104 S.Ct. 1473, 79 L.Ed.2d 790 (1984), 184
Kennedy for President Committee v. Federal Communications Commission (Kennedy I), 636 F.2d 432 (D.C.Cir.1980), 754, 756
Kennedy for President Committee v. Federal Communications Commission (Kennedy II), 636 F.2d 417 (D.C.Cir.1980), 765, 778
KFKB Broadcasting Ass'n v. Federal Radio Commission, 47 F.2d 670 (D.C.Cir.1931), 712
Khawar v. Globe Intern., Inc., 79 Cal. Rptr.2d 178, 965 P.2d 696 (Cal.1998), 175
King Broadcasting Co., 6 F.C.C.Red. 4998, 69 R.R.2d 1017 (1991), 757
Kleindienst v. Mandel, 408 U.S. 753, 92 S.Ct. 2576, 33 L.Ed.2d 683 (1972), 55
Knight-Ridder Broadcasting, Inc. v. Greenberg, 518 N.Y.S.2d 595, 511 N.E.2d 1116 (N.Y.1987), 575
Kohut v. Evans, 623 So.2d 569 (Fla.App. 4 Dist.1993), 514
Kois v. Wisconsin, 408 U.S. 229, 92 S.Ct. 2245, 33 L.Ed.2d 312 (1972), 375
Korkala, People v., 99 A.D.2d 161, 472 N.Y.S.2d 310 (N.Y.A.D. 1 Dept.1984), 574
Kovacs v. Cooper, 336 U.S. 77, 69 S.Ct. 448, 93 L.Ed. 513 (1949), 83, 682
Kunkin, People v., 107 Cal.Rptr. 184, 507 P.2d 1392 (Cal.1973), 210

Kunst v. New York World Telegram Corp., 28 A.D.2d 662, 280 N.Y.S.2d 798 (N.Y.A.D. 1 Dept.1967), 92
Kutler v. Carlin, 139 F.3d 237 (D.C.Cir. 1998), 547

L

Lakewood, City of v. Plain Dealer Pub. Co., 486 U.S. 750, 108 S.Ct. 2138, 100 L.Ed.2d 771 (1988), 54
Lamont v. Postmaster General, 381 U.S. 301, 85 S.Ct. 1493, 14 L.Ed.2d 398 (1965), 56, 83
Lamprecht v. Federal Communications Commission, 958 F.2d 382 (D.C.Cir. 1992), 736
Landgraf v. USI Film Products, 511 U.S. 244, 114 S.Ct. 1483, 128 L.Ed.2d 229 (1994), 922, 1102
Landmark Communications, Inc. v. Virginia, 435 U.S. 829, 98 S.Ct. 1535, 56 L.Ed.2d 1 (1978), 64, 78, 226, 539
Lashinsky, State v., 81 N.J. 1, 404 A.2d 1121 (N.J.1979), 622
League of Women Voters v. Federal Communications Commission, 731 F.2d 995 (D.C.Cir.1984), 756
Leathers v. Medlock, 499 U.S. 439, 111 S.Ct. 1438, 113 L.Ed.2d 494 (1991), 642
Lee v. Department of Justice, 428 F.3d 299 (D.C.Cir.2005), 571
Leggett v. United States, 535 U.S. 1011, 122 S.Ct. 1593, 152 L.Ed.2d 510 (2002), 594
Lehman v. City of Shaker Heights, 418 U.S. 298, 94 S.Ct. 2714, 41 L.Ed.2d 770 (1974), 84
Le Mistral, Inc. v. Columbia Broadcasting System, 61 A.D.2d 491, 402 N.Y.S.2d 815 (N.Y.A.D. 1 Dept.1978), 198, 210
Letter to KSHE-FM, 6 F.C.C.2d 2289, 69 R.R.2d 155 (1991), 899
Letter to Lonnie King, 36 F.C.C.2d 635, 25 R.R.2d 54 (1972), 751
Letter to Nicholas Zapple, 23 F.C.C.2d 707, 19 R.R.2d 421 (1970), 777, 784
Lewis v. United States, 517 F.2d 236 (9th Cir.1975), 568
Libbey-Owens-Ford Glass Co. v. Federal Trade Commission, 352 F.2d 415 (6th Cir.1965), 421
Liberty Lobby, Inc. v. Dow Jones & Co., Inc., 838 F.2d 1287 (D.C.Cir.1988), 182
L.L. Bean, Inc. v. Drake Publishers, Inc., 811 F.2d 26 (1st Cir.1987), 346, 347
Lorain Journal v. United States, 342 U.S. 143, 72 S.Ct. 181, 96 L.Ed. 162 (1951), 633