

University of Michigan Journal of Law Reform

Volume 39

2006

Front Matter

Journal of Law Reform

Follow this and additional works at: <https://repository.law.umich.edu/mjlr>

Recommended Citation

Journal of Law Reform, *Front Matter*, 39 U. MICH. J. L. REFORM i (2006).

Available at: <https://repository.law.umich.edu/mjlr/vol39/iss2/1>

This Front Matter is brought to you for free and open access by the University of Michigan Journal of Law Reform at University of Michigan Law School Scholarship Repository. It has been accepted for inclusion in University of Michigan Journal of Law Reform by an authorized editor of University of Michigan Law School Scholarship Repository. For more information, please contact mLaw.repository@umich.edu.

UNIVERSITY OF MICHIGAN
JOURNAL of LAW REFORM

VOLUME 39 • ISSUE 2

WINTER 2006

UNIVERSITY OF MICHIGAN
LAW SCHOOL
ANN ARBOR, MICHIGAN



Cite as: 39 U. MICH. J.L. REFORM ____ (2006)

Copyright © 2006 by the *University of Michigan Journal of Law Reform*. All rights reserved. Except where otherwise expressly indicated, copies of scholarship printed in the *University of Michigan Journal of Law Reform* may be made for course use in any public or private institution of learning provided that (1) copies are distributed at or below cost, (2) the author and the *University of Michigan Journal of Law Reform* are identified on the copies, and (3) proper notice of copyright is affixed to each copy.

The *University of Michigan Journal of Law Reform* is published quarterly by students of the University of Michigan Law School. Fourth-class postage paid at Ann Arbor, Michigan 48109. Printed by Joe Christensen, Inc., Lincoln, Nebraska 68521.

University of Michigan Journal of Law Reform
University of Michigan Law School
625 S. State Street
Ann Arbor, MI 48109-1215
Telephone: (734) 763-6100
<http://students.law.umich.edu/mjlr/>

PUBLICATION POLICY

The *Journal* seeks to improve the law and its administration by providing a forum for discussion that identifies contemporary issues for reform efforts, proposes concrete means to accomplish change, and evaluates the impact of law reform. As contributions to this discussion, the *Journal* also welcomes multidisciplinary and empirical work.

We encourage the submission of unsolicited manuscripts for publication. Each manuscript should be typed, double-spaced and sent to the Editor in Chief at the above address or e-mailed to jlr-submissions@umich.edu. Articles should generally conform to *The Bluebook: A Uniform System of Citation* (18th ed. 2005) and *The Chicago Manual of Style* (15th ed. 2003). We regret that we cannot return submitted articles unless they are accompanied by a self-addressed postage-paid envelope.

Views expressed in the *Journal* are those of the authors and not necessarily those of the editorial staff.

SUBSCRIPTIONS

The current subscription rate is \$35.00 domestic and \$40.00 foreign. All business inquiries should be made to (734) 763-6100. Subscribers should report the nonreceipt of copies within six months of the mailing date.

INDIVIDUAL AND BACK ISSUES

Copies of individual issues from the current volume can be obtained directly from the *Journal* for \$15.00 each.

Back issues in complete sets, volumes, or single issues can be obtained from William S. Hein & Co., Inc., 1285 Main Street, Buffalo, New York 14209—Telephone (716) 882-2600. The *Journal* is also available on microfilm through ProQuest, 300 North Zeeb Road, Ann Arbor, Michigan 48106-1346—Telephone (800) 521-0600. Back issues are also available in PDF format through HeinOnline at <http://heinonline.org>.

INDEXES

The *Journal* is indexed in the Current Law Index, Index to Legal Periodicals, Legal Resource Index, and PAIS Bulletin.

ISSN 0033-1546

UNIVERSITY OF MICHIGAN
JOURNAL of LAW REFORM

Editorial Board

Volume 39 • 2005–2006

Editor in Chief
ROBERT A. KOCH

Managing Editor
LISA A. KAEGI

Managing Article Editor
JASON S. WEINSTEIN

Managing Executive Editor
COLLIN B. FOULDS

Executive Note Editor
CAREY L. CUPRISIN

Article Editors
NADA K. ABU-ISA
KRISTEN M. BOIKE
JESSICA L. MITCHELL
KRYSTLE A. THOMAS

Executive Editors
ELIZABETH A. GOBESKI
LOUSENE M. HOPPE
HEATHER L. HUDSON
JEFFREY M. SCHWAB

Note Editors
MELISSA A. DEGAETANO
CHAD R. DOOBAY
BRYAN H. HERZBACH
JANA LEE S. KRASCHNEWSKI
MEREDITH A. MLYNAR

BRENDA F. ABDELALL
AARON M. BARTELL
JENNY CHEN
GRACE M. CHU
DREY A. COOLEY
TALIA C. DUBOVI
DAVID J. EPSTEIN
DANIEL J. FAZIO

Contributing Editors
GREGORY R. FLAX
NICOLE M. JONES
CYNTHIA S. KAO
SONAH LEE
MAURICE LOEBL
PHILIP C. MAXWELL
CHEROKEE D.M. MELTON

ALEXIS KUMARI NELSON
KIMBERLY SCHRIEVER
KARA A. SHAMY
ESTER SHTIVELMAN
MIA O. SOLVESSON
MELANIE SONNENBORN
DANIEL A. WOLF
RICHARD J. ZITO

ZUBAIR Z. AHMAD
MARC M. ALLON
JEFFREY A. AMASH
JESSICA M. ANDRADE
JENNIFER A. BERMAN
JEANNIL D. BOJI
CHRISTOPHER D. CHAMBERS
JOANN S. CHANG
KATHERINE LACY CROSBY
KYLE Y. FAGET
DEBRA S. FALK
THOMAS A. FERRONE
JORDAN M. FLAKE
JOHN A. FONSTAD
MATTHEW B. FRIEDMAN
MAHER H. HADDAD

Associate Editors
BENJAMIN M. HARELL
THOMAS P. HITCHCOCK
CHRISTOPHER J. HOPFENSBERGER
JONATHAN HUCKABAY
CRISTIANA N. HUYNH
JEFFREY S. JACOBI
NEAL P. JAGTAP
EMILY C. KELLER
AMBER S. KOCSIS
KATIE M. KRAJECK
POONAM KUMAR
KELVIN M. LAWRENCE
BOB LEHNER
SAMANTHA L. MAXFIELD
JOSHUA D. MEEUWSE
CRISTINA PARRA
DENISE L. PASQUALE

BRETON A. PEACE
AARON R. PETTY
PAUL C. PORTER
FIZA A. QURAIISHI
AARON G. RUBIN
ALEXANDER SAKIN
TRACY E. SCHLOSS
MANEESH SHARMA
BREANNE M. SHEETZ
TARA M. SUGIYAMA
TIMOTHY THROM
JENNIFER D. WEENUM
ADAM J. WIENNER
JOSEPH K. WRIGHT
KATE ZELL
MICHAEL A. ZELLEN

Office Supervisor
MAUREEN A. BISHOP

Editorial Assistants
CATHERINE T. LEGGIERI
MATTHEW S. REDDING
BARBARA I. SUMMERS

Clerk
LAURIE E. BRANNAN

UNIVERSITY OF MICHIGAN LAW SCHOOL

Winter 2006

Administrative Officers

MARY SUE COLEMAN, B.A., Ph.D., *President of the University*
EDWARD M. GRAMLICH, B.A., M.A., Ph.D., *Interim Provost and Executive
Vice President for Academic Affairs*
EVAN H. CAMINKER, B.A., J.D., *Dean*
STEVEN P. CROLEY, A.B., J.D., M.A., Ph.D., *Associate Dean for Academic Affairs*
BRIDGET M. MCCORMACK, B.A., J.D., *Associate Dean for Clinical Affairs*
VIRGINIA B. GORDAN, B.A., J.D., *Assistant Dean for International Programs*
DAVID H. BAUM, B.A., J.D., *Assistant Dean of Students*
CHARLOTTE H. JOHNSON, B.A., J.D., *Assistant Dean of Students*
KATHERINE B. GOTTSCHALK, B.A., *Assistant Dean for Financial Aid*
SUSAN M. GUINDI, B.A., J.D., *Assistant Dean for Career Services*
SARAH C. ZEARFOSS, A.B., J.D., *Assistant Dean and Director of Admissions*
TODD BAILY, B.A., *Assistant Dean for Development and Alumni Relations*

Professors Emeriti of Law

FRANCIS A. ALLEN, A.B., LL.B., J.D., LL.D.,
Edson R. Sunderland Professor of Law
OLIN L. BROWDER, A.B., LL.B., S.J.D.,
James V. Campbell Professor of Law
DAVID L. CHAMBERS, A.B., LL.B.,
Wade H. McCree, Jr. Collegiate Professor of Law
ALFRED F. CONARD, A.B., LL.B., LL.M.,
J.S.D., LL.D.,
Henry M. Butzel Professor of Law
LUKE K. COOPERRIDER, B.S., J.D.
SAMUEL D. ESTEP, A.B., J.D.
ROBBEN W. FLEMING, B.A., LL.B., LL.D.
WHITMORE GRAY, A.B., J.D., LL.D.
JEROLD H. ISRAEL, B.B.A., LL.B.,
Alene and Allan F. Smith Professor of Law
JOHN H. JACKSON, B.A., J.D.,
Hessel E. Yntema Professor of Law
CHARLES W. JOINER, A.B., J.D.
YALE KAMISAR, A.B., LL.B., LL.D.,
*Clarence Darrow Distinguished University
Professor Law*
FRANK R. KENNEDY, A.B., LL.B., J.S.D.,
Thomas M. Cooley Professor of Law
ROY F. PROFFITT, B.S., J.D., LL.M.
JOHN W. REED, A.B., LL.B., LL.M.,
JUR.SC.D., LL.D.,
Thomas M. Cooley Professor of Law
TERRANCE SANDALOW, A.B., J.D.,
Edson R. Sunderland Professor of Law
THEODORE J. ST. ANTOINE, A.B., J.D.,
James E. and Sarah A. Degan Professor of Law
ERIC STEIN, J.U.D., J.D., DR.H.C.,
Hessel E. Yntema Professor of Law
PETER O. STEINER, A.B., M.A., Ph.D.

Professors of Law

LAYMAN E. ALLEN, A.B., M.P.A., LL.B.
REUVEN S. AVI-YONAH, B.A., A.M., Ph.D., J.D.,
Irwin I. Cohn Professor of Law
OMRI BEN-SHAHAR, B.A., LL.B., LL.M., Ph.D.
EVAN H. CAMINKER, B.A., J.D.
SHERMAN J. CLARK, B.S., J.D.
EDWARD H. COOPER,* A.B., LL.B.,
Thomas M. Cooley Professor of Law
STEVEN P. CROLEY, A.B., J.D., M.A., Ph.D.
REBECCA S. EISENBERG, B.A., J.D.,
Robert and Barbara Luciano Professor of Law
PHOEBE C. ELLSWORTH,* A.B., Ph.D.,
*Frank Murphy Distinguished Professor of Law
and Psychology*
RICHARD D. FRIEDMAN, B.A., J.D., D.Phil.,
Ralph W. Aigler Professor of Law
BRUCE W. FRIER, B.A., Ph.D.,
Henry King Ransom Professor of Law
THOMAS A. GREEN, B.A., Ph.D., J.D.,
John Philip Dawson Collegiate Professor of Law
SAMUEL R. GROSS,* A.B., J.D.,
Thomas G. and Mabel Long Professor of Law
DANIEL HALBERSTAM, B.A., J.D.
JAMES C. HATHAWAY,* LL.B., LL.M., J.S.D.,
James E. and Sarah A. Degan Professor of Law
DONALD J. HERZOG, A.B., A.M., Ph.D.,
Edson R. Sunderland Professor of Law
RODERICK M. HILLS, JR., B.A., J.D.
ROBERT L. HOWSE, B.A., LL.B., LL.M.,
Alene and Allan F. Smith Professor of Law
DOUGLAS A. KAHN, B.A., J.D.,
Paul G. Kauper Professor of Law
ELLEN D. KATZ, B.A., J.D.
THOMAS E. KAUPER,* A.B., J.D.,
Henry M. Butzel Professor of Law
VIKRAMADITYA S. KHANNA, B.C.A., LL.B., S.J.D.
JAMES E. KRIER, B.S., J.D.,
Earl Warren DeLano Professor of Law
RICHARD O. LEMPERT,* A.B., J.D., Ph.D.,
Eric Stein Distinguished University Professor of Law
KYLE D. LOGUE, B.A., J.D.
CATHARINE A. MACKINNON,* B.A., J.D., Ph.D.,
Elizabeth A. Long Professor of Law
NINA A. MENDELSON, B.A., J.D.
WILLIAM I. MILLER, B.A., Ph.D., J.D.,
Thomas G. Long Professor of Law
EDWARD A. PARSON, B.Sc., M.Sc., Ph.D.
SALLYANNE PAYTON, A.B., LL.B.,
William W. Cook Professor of Law
ADAM C. PRITCHARD,* B.A., M.P.P., J.D.
STEVEN R. RATNER, A.B., J.D., M.A.

DONALD H. REGAN, A.B., LL.B., B.PHIL., PH.D.,
William W. Bishop, Jr. Collegiate Professor of Law
MATHIAS W. REIMANN, DR.IUR., LL.M.,
Hessel E. Yntema Professor of Law
CARL E. SCHNEIDER, A.B., J.D.,
*Chauncey Stillman Professorship for Ethics,
Morality, and the Practice of Law*
REBECCA J. SCOTT, A.B., M.PHIL., PH.D.,
*Charles Gibson Distinguished University
Professor of History*
SCOTT J. SHAPIRO, B.A., J.D., PH.D.
A.W. BRIAN SIMPSON, B.A., M.A., D.C.L.,
Charles F. and Edith J. Clyne Professor of Law
E. PHILIP SOPER,* B.A., M.A., J.D., PH.D.,
James V. Campbell Professor of Law

JOSEPH VINING, B.A., M.A., J.D.,
Harry Burns Hutchins Collegiate Professor of Law
LAWRENCE W. WAGGONER,* B.B.A., J.D.,
D.PHIL.,
Lewis M. Simes Professor of Law
MARK D. WEST, B.A., J.D.,
Nippon Life Professor of Law
PETER K. WESTEN,* B.A., J.D.,
Frank G. Millard Professor of Law
JAMES BOYD WHITE,* A.B., A.M., LL.B.,
L. Hart Wright Collegiate Professor of Law
JAMES J. WHITE,* B.A., J.D.,
Robert A. Sullivan Professor of Law
CHRISTINA B. WHITMAN, A.B., M.A., J.D.,
Francis A. Allen Collegiate Professor of Law

Assistant Professors of Law

MICHAEL S. BARR, B.A., M.PHIL., J.D.
LAURA N. BENY,* B.A., M.A., J.D., PH.D.
SUSANNA L. BLUMENTHAL, A.B., M.A., J.D.,
M.PHIL.
ALICIA DAVIS EVANS,* B.S., J.D., M.B.A.
DAVID M. HASEN,* B.A., PH.D., J.D.

JILL R. HORWITZ, B.A., M.P.P., J.D., PH.D.
NICHOLAS C. HOWSON, B.A., J.D.
MADELINE KOCHEN, B.A., J.D., A.M., PH.D.
JOHN A.E. POTTOW,* A.B., J.D.
RICHARD A. PRIMUS,* A.B., D.PHIL., J.D.
GIL SEINFELD, A.B., J.D.

Clinical Professors of Law

DONALD N. DUQUETTE,* B.A., J.D.
BRIDGET M. MCCORMACK, B.A., J.D.
PAUL D. REINGOLD, B.A., J.D.

NICHOLAS J. RINE, B.A., J.D.
ANNE N. SCHROTH, B.A., J.D.
GRACE C. TONNER, B.A., J.D.

Clinical Assistant Professors of Law

EDWARD R. BECKER, B.A., J.D.
EMILY S. BRUCE, A.B., J.D.
RACHEL CROSKERY-ROBERTS, B.A., J.D.
PAUL H. FALON, B.A., M.A., J.D.
PHILIP M. FROST, B.A., J.D.
MARK K. OSBECK, A.B., M.A., J.D.

ROSHUNDA PRICE, B.B.A., J.D.
DAVID A. SANTACROCE, B.A., J.D., LL.M.
THOMAS H. SEYMOUR, B.A., M.A., J.D.
KIMBERLY A. THOMAS, B.S., J.D.
FRANK E. VANDERVORT, B.A., J.D.
BETH H. WILENSKY, B.A., J.D.

Affiliated Overseas Professors

BRUNO SIMMA, DOCTORATE OF LAW

Visiting Professors of Law

DAVID BERNSTEIN, B.A., J.D.
COURTNEY CAHILL, B.A., PH.D., J.D.
KARTHY GOVENDER, LL.B., LL.M.
JAMES HINES, B.A., M.A., PH.D.
SHERMAN JACKSON, B.A., M.A., PH.D.
MARTHA JONES, B.A., J.D., M.A., M.PHIL., PH.D.

ORIT KAMIR, LL.B., M.A., LL.M., J.S.D.
DINO KRITSIOTOS, LL.B., LL.M.
PAVAN MAMIDI, LL.M.
YVONNE MOKGORO, B.LURIS, LL.B., LL.M., LL.M.
PETER SIEGELMAN, B.A., PH.D.

Visiting Assistant Professor of Law

ANNA KIRKLAND, B.A., M.A., J.D., PH.D.

Public Service/Public Interest Faculty Fellows

SAUL GREEN, B.A., J.D.
JUDY LEVY, B.S., J.D.

MARK ROSENBAUM, B.A., J.D.
MARK VAN PUTTEN, B.A., J.D.

Adjunct Professors

J. PHILLIP ADAMS, B.A., J.D., LL.M.
BARRY A. ADELMAN, B.A., J.D.
JACK BERNARD, M.A., J.D.
EVE BRENSIKE, A.B., J.D.
TIMOTHY L. DICKINGSON, A.B., J.D., LL.M.
RODERIC GLOGOWER, B.A., M.A.
KATHLEEN HEGARTY, B.A., J.D.
WILLIAM JENTES, A.B., J.D.
DAVID JOSWICK, B.B.A., J.D.
ALLYN KANTOR, B.S., J.D.
YORAM KEINAN, LL.B., B.A., ITP/MPA,
LL.M./S.J.D.

SUSAN KORNFELD, B.A., J.D.
MARVIN KRISLOV, M.A., J.D.
JOAN LARSEN, B.A., J.D.
KARL E. LUTZ, B.A., J.D.
CYRIL MOSCOW, B.S., J.D.
LEONARD NEIHOFF, A.B., J.D.
RACHEL NEIS, LL.B., M.A.
BARBARA NOVAK, A.B., J.D.
LIYA RONG, B.S., MPA/ITP, LL.M., S.J.D.
EDWARD R. STEIN, B.A., J.D.
BARRY WINOGRAD, B.A., J.D., LL.M.

Adjunct Clinical Assistant Professors

NEIL S. KAGAN, B.S., M.S., J.D.
VALERIE NEWMAN, B.A., J.D.
DANA ROACH, B.A., J.D.

VIVEK SANKARAN, B.A., J.D.
PETER VAN HOEK, B.A., J.D.

Adjunct Instructors

MARGARET A. LEARY, B.A., M.A., J.D.

AIMEE MANGAN, B.A., J.D.

UNIVERSITY OF MICHIGAN
JOURNAL of LAW REFORM

VOLUME 39 • ISSUE 2

WINTER 2006

CONTENTS

NOT FROM CONCENTRATE?
MEDIA REGULATION AT THE TURN OF THE MILLENNIUM
SYMPOSIUM

ARTICLES

- Out of Thin Air:
Using First Amendment Public Forum Analysis to
Redeem American Broadcasting Regulation
Anthony E. Varona 149
- Race, Media Consolidation, and Online Content:
The Lack of Substitutes Available to
Media Consumers of Color
Leonard M. Baynes 199

TRANSCRIPT

- Not from Concentrate?
Media Regulation at the Turn of the Millennium
March 18–19, 2005 229