

Letter to the Editor

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LETTER TO THE EDITOR

I have read with interest Professor Winer's article, *The Signal Cable Sends—Part I: Why Can't Cable Be More Like Broadcasting?* [46 MD. L. REV. 212 (1987)]. As an advocate struggling in this field, I am always pleased to see more analytical writing on the subject, for from such examination come the practical solutions to maintaining our freedoms in this perplexed society.

As to the particular subject matter, I have believed for some time that bad law, like the common cold, is infectious and contagious. The noteworthy feature of *Tornillo*, a print case, is that 150 years after the codification of freedom of the press in the first amendment we found a state legislature intruding into the editorial discretion of newspaper publishing. The FCC has for more than 50 years, at the federal level, been botching the regulation of broadcast television. And this generation is now witness to the phenomenon of local governments everywhere moving in on cable television to regulate that promising medium of expression.

All of this alarms me. It strikes me that if our system is to survive the normal instincts of regulators, the media must be maintained as the natural adversaries of government. It isn't a matter of carping against bureaucracy. It does have to do with an unwillingness to turn over to government regulators anything so precious as the right to fiddle with our first amendment freedoms. It is my observation that even the well-meaning among them will blunder into inflicting as much damage as the genuinely venal.

So, I continue to press on with my challenges to the excessive regulation of cable television and look forward to the contributions of the academic community.

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[*Editor's Note*: Mr. Farrow argued the case for respondent in *City of Los Angeles v. Preferred Communications, Inc.*, 106 S. Ct. 2034 (1986)].