

Richmond Journal of Law and Technology

Vol. XIII, Issue 4



University of Richmond
<http://law.richmond.edu/jolt>

TABLE OF CONTENTS

LETTERS FROM THE EDITORS

MASTHEAD

ARTICLES

15. SILENCING THE BLOGOSPHERE: A FIRST AMENDMENT CAUTION TO LEGISLATORS CONSIDERING USING BLOGS TO COMMUNICATE DIRECTLY WITH CONSTITUENTS

By: D. Wes Sullenger

16. PREVENTING A MODERN PANOPTICON: LAW ENFORCEMENT ACQUISITION OF REAL-TIME CELLULAR TRACKING DATA

By: Steven B. Toeniskoetter

17. A DECENT PROPOSAL: THE CONSTITUTIONALITY OF INDECENCY REGULATION ON CABLE AND DIRECT BROADCAST SATELLITE SERVICES

By: Matthew S. Schwartz

June 29, 2007

Richmond Journal of Law & Technology
University of Richmond School of Law
28 Westhampton Way
University of Richmond, Virginia 23173

Dear Readers,

The *Richmond Journal of Law and Technology* is proud to present its fourth issue of the 2006–2007 academic school year. The *Journal* staff has worked diligently during the second half of the year and into the summer to produce an especially timely issue.

Our first article is written by D. Wes Sullenger and explores the potential Constitutional challenges facing politicians who sponsor blogs on their websites. *Silencing the Blogosphere: A First Amendment Caution to Legislators Considering Using Blogs to Communicate Directly with Constituents* explores a hypothetical situation involving a politician, his constituents, and the implications of the comments those constituents may post. Mr. Sullenger is partner with Sullenger & Craig in Kentucky.

Steven B. Toeniskoetter explores the implications of real-time cellular tracking in his article, *Preventing a Modern Panopticon: Law Enforcement Acquisition of Real-Time Cellular Tracking Data*. Mr. Toeniskoetter explains how law enforcement goes about obtaining cell site data and argues for a less ambiguous law that would prevent potential abuses of that data. Mr. Toeniskoetter is a 2006 graduate of the University of San Francisco School of Law.

Finally, the third article, written by Matthew Schwartz, includes a detailed discussion of a June 2007 decision from the Court of Appeals that may have a great impact on the future of indecency on television laws. *A Decent Proposal: The Constitutionality of Indecency Regulation on Cable and Direct Broadcast Satellite Services* explores the current status of indecency regulation by the Federal Communications Commission and argues laws that currently apply only to broadcast television should apply

to cable and digital broadcasts, as well. Mr. Schwartz is a 2007 graduate of Georgetown University Law Center.

The *Journal* would especially like to thank the faculty and staff at the University of Richmond for their continued support and guidance. Our faculty advisor, James Gibson, has provided much needed and valuable assistance with the publication of this issue. We look forward to the start of the new school year and hope to continue to produce scholarly and relevant works for the legal community.

Thank you for visiting the *Journal's* website. As always, comments and suggestions are welcome from our readers at jolt@richmond.edu.

Sincerely,

A handwritten signature in cursive script that reads "Eileen R. Geller".

Eileen R Geller
2007-08 Editor-in-Chief

June 29, 2007

Richmond Journal of Law & Technology
University of Richmond School of Law
28 Westhampton Way
University of Richmond, Virginia 23173

Dear Readers,

The *Richmond Journal of Law and Technology* is proud to present its final issue of Volume 13. This issue was most definitely a collaborative work, as both outgoing and incoming editorial boards worked extensively to produce the publication. As the last issue of this year, I hope that you as our readers enjoy the articles as much as I have enjoyed working with the articles in preparation for publication.

Having the opportunity to work with this year's editorial board was truly an honor. I was fortunate enough to have devoted and hard working staff members who made running the Journal extremely easy. I would especially like to thank Lauran Glassman for all of her hard work as Managing Editor. Her dedication to the Journal kept me focused throughout the year and we owe much of the success from this year to her efforts. In the end, I can say that I learned a great deal from this year's experiences and hope that the staff's commitment to our publication is evident to the readers. I thank each outgoing member of the Journal for their work this year and wish them the best in their endeavors following law school.

I would like to thank the faculty and staff of the University of Richmond School of Law for their continued support. Our faculty advisor, Professor James Gibson, has been an invaluable resource throughout the year and I thank him for his guidance

Finally, I speak on behalf of the outgoing Editors' in congratulating the new members of the board. We are excited about the possibilities for next year and look forward to your achievements. I am confident that the new board will build on the foundation that was laid for our staff by our predecessors, and you will ensure that the Journal will continue to

significantly contribute to the academic discussion about emerging legal issue in technology.

Thank you again to the staff for this wonderful year and good luck to next year's staff.

Sincerely,

Jon S. Player
Editor-in-Chief 2006-2007

A handwritten signature in black ink, appearing to be 'JSP', with a long horizontal flourish extending to the right.

2006-2007 EDITORIAL BOARD

JON S. PLAYER EDITOR-IN-CHIEF	LAURAN E. GLASSMAN MANAGING EDITOR
HILLARY A. PEET EXECUTIVE EDITOR	JOHN M. COLLINS TECHNICAL EDITOR
MICHAEL J. CLEMENTS* NOTES & COMMENTS	KIMBERLY L. FITZGERALD ARTICLES EDITOR
KAREN L. GODNICK MANUSCRIPTS EDITOR	REBECCA L. ROCKWOOD* MANUSCRIPTS EDITOR
MACIEK J. KEPKA EXTERNAL AFFAIRS EDITOR	CHARLOTTE A. DAUPHIN ANNUAL SURVEY EDITOR
B. WESLEY BARGER, JR. SOLICITATIONS EDITOR	ANNA-JANE ZARNDT COPY EDITOR

ASSOCIATE EDITORS

ALEXIS FANELLI ANNUAL SURVEY EDITOR	EILEEN GELLER EXTERNAL AFFAIRS EDITOR
EMILY BISHOP MANUSCRIPTS EDITOR	JILL HUTCHENS MANUSCRIPTS EDITOR
STEVE GANGEMI SOLICITATIONS	CHRIS CROOK TECHNICAL EDITOR

SENIOR STAFF

JOEY BIAGIONI	ANNA-LIISA JACOBSON
RAMSEY BRONYAH	JENNIFER JONES
SARAH BRUSCIA	CHRIS KEIR
MARIE DEFOREST	RYAN QUINN
MEGHAN FERRIS	WILL RABKE
SARAH FLYNN	CHRISTINE SALMON
JIM HAWES	BEN SILBERT
BRIAN HOADE	JENNIFER SULLIVAN
ALLISON HUNDSTAD	BRIDGET WELBORN
YUKA ITO	

ASSOCIATE STAFF

TAYLOE GWATHMEY	NATE LOUNSBURY	SHAWN MCINTIRE
-----------------	----------------	----------------

FACULTY ADVISOR

PROFESSOR JAMES GIBSON