PUBLISHED WORKS OF RANDOLPH J. MAY

- One Obama Executive Order That Makes Sense: A Mandate to Trim Outmoded Rules Is One Trump Should Keep, in **The Washington Times**, December 19, 2016.

- A Blueprint for Trump Communications Reform: Unnecessary Regulations Should Be Switched Off, in **The Washington Times**, November 21, 2016.

- FCC Chairman Tilts the Seesaw Toward Regulation, in **The Hill**, September 22, 2016.

- Our Divisive Times: What Would Madison Say? **The Federalist Society**, July 12, 2016.

- Music MegaStars Sing the Right Note on Copyright Reform, in **The Hill**, June 23, 2016.

- With Last-Minute Regulations, FCC Has Its Eye on the Clock, in **The Hill**, June 15, 2016.

- The FCC Threatens the Rule of Law: A Focus on Agency Enforcement and Merger Review Abuses, in the **Federalist Society Review**, May 23, 2016.

- Copyright 'Notice and Takedown' System Needs Fixing, in **The Hill**, May 9, 2016.

- The FCC's Flawed Understanding of Competition, in **Real Clear Markets**, March 11, 2016.

- FCC's Cognitive Dissonance Leads to Regulatory Policy Run Amok, in **The Hill**, February 18, 2016.

- George Washington: Indispensable to Intellectual Property Rights in America, in **The Tennessean**, February 15, 2016.

- FCC's 'Permission-Denied' Policy for Video Devices Is Wrong, in **The Hill**, February 2, 2016.

- Protecting Global IP Rights Is an Economic Imperative, in **Real Clear Markets**, January 27, 2016.

- Internet Freedom That Isn't: FCC Vows Not To Meddle with Innovation and Rates Ring Hollow, in **The Washington Times**, January 26, 2016.

- The FCC, Still Lawless, in **The Hill**, November 24, 2015.

- The Copyright Alliance That Shaped Our Constitution, **The Federalist Society**, November 18, 2015.

- The Constitutional Foundations of Intellectual Property, in **The Washington Examiner,** October 5, 2015.

- Appreciating Intellectual Property Rights on Constitution Day, in **The Hill**, September 17, 2015.

- Lincoln, Labor and Intellectual Property Rights, in **The Washington Examiner**, September 7, 2015.

- Why Intellectual Property Rights Matter - The Founders Believed Ownership of One's Labor Is a Natural Right, in **The Washington Times**, September 3, 2015.

- The FCC Flouts the Rule of Law, in the **Washington Examiner**, August 11, 2015.

- The Future of Spectrum Policy, in **The Hill**, July 27, 2015.

- *Chevron* Decision's Domain May Be Shrinking, in **The Hill**, July 9, 2015.

- Is the Internet's Future One of Innovation or Government Control?, in **The Hill**, March 18, 2015.

- Is the FCC Lawless?, by Free State Foundation President Randolph J. May, in **The Hill**, February 25, 2015.

- Defining Broadband Progress Down, in **The Hill**, February 4, 2015.

- Is the FCC Unlawful?, in **The Washington Times**, January 16, 2015.

- U.S. Net Neutrality Campaign Enables Foreign Governments' Internet Control, in **The Hill**, December 22, 2014.

- Obama's Involvement Jeopardizes FCC's Net Neutrality Efforts, in **The Hill**, December 11, 2014.

- Don't Convert Internet Providers into Public Utilities, in **The Hill**, October 3, 2014.

- Happy 30th Anniversary, Chevron - Part II, in **The Hill**, September 3, 2014.

- Happy 30th Anniversary, Chevron!, in **The Hill**, August 8, 2014.

- The FCC Shouldn't Go Down the Primrose (Preemption) Path, in **The Hill**, July 31, 2014.

- FCC Should Not Presume It Can Regulate the Internet, in the **Washington Examiner**, June 20, 2014.

- Return of the 'Net Neutrality' Scheme: Regulation Backers Are Turning Up the Volume for Internet Regulation, in **The Washington Times**, May 13, 2014.

- McCutcheon Decision Shows Supreme Court Split on Individual Free Speech Versus "Collective Voice," in the **Washington Examiner**, April 9, 2014.

- Obama May Give Internet Control to "Global Community": Authoritarians Eager to Pick Up What U.S. Gives Up, Freeing the Internet for Censorship, in **The Washington Times**, March 26, 2014.

- FCC, Broadband and Fallacy of Government "Competition": Municipal Operations Would Have an Unfair Advantage Over Private Enterprise, **The Washington Times,** March 7, 2014.

- Cable Merger Shows How Legacy Language Leads to Outdated Policy, **Washington Examiner**, February 19, 2014.

- Regulation in a Digital Age: We Need to Move from Regulations Crafted in 1934 to Ones Crafted for 2034, **National Review Online**, February 12, 2014.

- A New Digital Age Communications Act: Regulations Should Reflect Marketplace Changes, **The Washington Times**, December 29, 2013.

- Obama's War on Inequality Presaged by De Tocqueville, **Washington Examiner**, December 29, 2013.

- Why the FCC Needs to Get with the Times, Finally, **CNET**, November 3, 2013.

- A La Carte Cable by Demand, **The Washington Times**, June 3, 2013.

- "A Historian for the FCC," **The Washington Times**, May 9, 2013.

- "Regulators Can't Be Trusted to Self-Regulate: High Court Can Halt Expansion of Administrative State," **The Washington Times**, December 27, 2012.

- **"Communications Law and Policy in the Digital Age: The Next Five Years,"** Carolina Academic Press, 2012.

- "The Psychology of Abundance and the Realities of Regulatory Micromanagement," **The Daily Caller**, September 18, 2012.

- "A Failure to Communicate at the FCC," **The Daily Caller**, August 28, 2012.

- "Don't Neuter the First Amendment in the Digital Age," **The Washington Examiner**, August 9, 2012.

- "The FCC Should Conform To Rule of Law Norms," **The Daily Caller**, July 20, 2012.

- "If Communications Policy Were a Campaign Issue," **The Daily Caller**, June 18, 2012.

- "Repurposing The FCC," **The Daily Caller**, March 29, 2012.

- "Re-Reforming Telecom Regulation: Power-Grabbing Bureaucracy Undermined 1996 Effort," **Washington Times**, January 26, 2012.

- "Applying Hayekian Principles to Communications Policy," **Forbes**, January 5, 2012.

- "Build Back That Broadband Wall: FCC Assaults Modern Telecom Services with Old-Fashioned Rules," **Washington Times**, December 15, 2011.

- **"A Call for a Radical New Communications Policy: Proposals for Free Market Reform,"** Schiel & Denver, 2011.

- "It's the Consumer, Stupid," **Daily Caller**, September 27, 2011.

- "Constitution Day at the FCC," **Daily Caller**, September 20, 2011.

- "Rolling Back Regulation at the FCC," **National Review Online**, April 18, 2011.

- "The FCC Risks Over-Conditioning the Comcast-NBCU Merger," **Daily Caller**, January 3, 2011.

- "FCC Regulators Turn their Eyes to the Internet," **National Review Online**, December 21, 2010.

- "The FCC's Fatal Conceit," **CBSNews.com**, December 5, 2010.

- "Broadband Legislation and Net Neutrality Soap Opera," **CBSNews**, October 7, 2010.

- "The Distinction Between Law and Politics," **Washington Times**, July 7, 2010.

- "Defining Deference Down, Again: Independent Agencies, *Chevron* Deference, and *Fox*," Vol. 62, **Administrative Law Review**, No. 2, Spring 2010.

- "Why the FCC's Broadband Plans Got Smacked Down," **CBSNews**, April 14, 2010.
- "A New Direction for Net Neutrality," **Forbes**, March 24, 2010.
- "Reject the Internet "Public Option," **CBSNews**, February 16, 2010.
- "Overregulating the Internet," **National Review**, January 14, 2010.
- "Voiding the Constitution," **The Washington Times**, December 15, 2009.
- **"New Directions in Communications Policy,"** Carolina Academic Press, 2009.
- "Charting a New Constitutional Jurisprudence for the Digital Age," Vol. 3, **Charleston Law Review**, No. 2, Winter 2009.
- "A Modest Plea for FCC Modesty Regarding the Public Interest Standard," Vol. 60 **Administrative Law Review**, No. 4, Fall 2008.
- "Don't Foil the Digital Age," **Legal Times**, December 1, 2008.
- "Charting a New Constitutional Jurisprudence for the Digital Age," Vol. 9, **Engage**, Issue 3, October 2008.
- "Deregulatory Smudge?" **The Washington Times**, October 7, 2008.
- "At FCC, Change Must Be The Mantra," **CNET**, February 25, 2008.
- "The Unbundling Panel," **The Washington Times**, December 16, 2007 (with Christopher Yoo).
- "Time for Maryland to Face Its Health Benefits Burden," **The Baltimore Sun**," August 30, 2007.
- "What Does 'Open Access' Mean?" **CNET**, August 16, 2007.
- "Net Neutrality Overreach," **The Washington Times**, June 23, 2007.
- "Net Neutrality Mandates: Neutering the First Amendment in the Digital Age," Vol. 3 **I/S: A Journal of Law and Policy for the Information Society**, No. 1, Spring 2007.
- "The Constitution, A La Carte," **CNET**, May 22, 2007.
- "Is Uncle Sam Serious About Satellite Radio," **CNET**, April 16, 2007.

- "Bring Transparency and Accountability to Maryland Government," **Baltimore Sun**, March 20, 2007.
- "Illogical Net Neutrality Idea," **The Washington Times**, February 24, 2007.
- "FCC Should Let Bygones Be Bygones," **Broadcasting & Cable**, January 29, 2007.
- "Communications Policy Pirouettes," **The Washington Times**, January 21, 2007.
- "Sidestepping the Net Neutrality Boondoggle," **CNET**, January 9, 2007.
- "Drop Outdated Rules," **National Law Journal**, November 27, 2006.
- "Heading Off a Potential FCC Debacle," **CNET**, September 21, 2006.
- "Net Neutrality and Free Speech," **Broadcasting & Cable,** September 18, 2006.
- **"Net Neutrality or Net Neutering: Should Broadband Internet Services Be Regulated?"** – a book published by Springer in 2006 (co-edited with Thomas Lenard).
- "Montgomery County's Outdated Cable Policies Hurt Cable Consumers," **Washington Examiner**, August 16, 2006.
- "First Amendment-Net Neutrality Issues," **National Law Journal**, August 14, 2006.
- "Broader Implications of PSC Firings," **The Gazette**, July 14, 2006.
- "Watch Out We Don't Neuter the Net," **CNET**, June 1, 2006.
- "Making the PSC More Accountable," **Baltimore Sun**, April 25, 2006
- "Bygone Should Stay Gone," **Washington Post**, March 26, 2006.
- "It's Nothing New," **The National Law Journal**, February 20, 2006.
- "Why Stovepipe Regulation No Longer Works: An Essay on the Need for a New Market-Oriented Communications Policy," Vol. 58 **Federal Communications Law Journal**, No. 1, January 2006.
- "OMB Step Welcome," **National Law Journal**, January 23, 2006.
- "No Forced Sharing," **National Law Journal**, October 31, 2005.

- "Preventing a Communications Blackout: The Need for Telecom Redundancy", Chapter 27 in **Homeland Security and Terrorism: Reading and Interpretations**, McGraw Hill, 2006.

- Richard O. Levine and Randolph J. May, **"Interconnection Without Regulation: Lessons for Telecommunications Reform from Four Network Industries"**, October 2005.

- "Replacing Stovepipe Regulation," **Regulation**, Fall 2005.

- "*In Memoriam*, Ernest Gellhorn," Vol. 57 **Administrative Law Review**, No. 3, Summer 2005.

- "Major Case for Agencies," **National Law Journal**, August 8, 2005.

- "Reform the Process," **National Law Journal**, May 30, 2005.

- "Beyond Brand X," **National Law Journal**, April 11, 2005.

- Joseph S. Kraemer, Richard O. Levine, and Randolph J. May, "The Myths and Realities of Universal Service: Revisiting the Justification for the Current Subsidies," January 2005.

- "Bring Back ACUS," **National Law Journal**, January 3, 2005.

- "Paring FCC Sharing Rules," **The Washington Times**, December 14, 2004.

- "Dynamic Deregulation," **National Review Online**, December 14, 2004.

- "The FCC's Tumultuous Year in 2003: An Essay on an Opportunity for Institutional Agency Reform," Vol. 56 **Administrative Law Review**, No. 4, Fall 2004.

- "Calling for a Regulatory Overhaul, bit by bit," **CNET News.com**, October 19, 2004.

- "Who Has a Better Plan?" **National Law Journal**, October 11, 2004.

- "Consolidate FCC Power," **National Law Journal**, August 23, 2004.

- "Advent of Telephony Calls for New Rules," **Denver Business Journal**, June 24, 2004.

- "How to Reform the FCC," **CNET News.com**, June 21, 2004.

- "Negotiate, Not Litigate," **The Washington Times**, May 30, 2004.

- "Protecting Communications," **The Washington Times**, April 4, 2004.
- "Heeding the Blast of Schumpeter's Trumpet," **CNET News.com**, March 25, 2004.
- "VoIP Regulation: A Plea for Procedural Modest," **CNET News.com**, February 3, 2004.
- "The Metaphysics of VoIP," **CNET News.com**, January 5, 2004.
- "Do Feds Risk a Communications Blackout? Report Urges Redundant Telecom Systems for Key Government Offices," ***Progress on Point 10.24***, December 2003.
- Joseph S. Kraemer, Richard O. Levine and Randolph J. May, "Trends in the Competitiveness of Telecommunications Markets: Implications for Deregulation of Retail Local Services", December 2003.
- Randolph J. May and Adam Peters, "Pennsylvania At Another Crossroads: Will It Opt For Less Regulation And Real Competition To Achieve Digital Age Progress?" ***Progress on Point 10.21***, November 2003.
- Kent Lassman and Randolph J. May, "A Survey of Government-Provided Telecommunications: Disturbing Growth Trend Continues Unabated." ***Progress on Point 10.17***, October 2003.
- "The Triennial Review Scorecard: A Disappointing Grade," ***Progress on Point 10.14***, September 2003.
- "The Two Faces of the FCC," **CNET News.com**, September 6, 2003.
- "Tumultuous Times at the FCC," **The Washington Times**, September 4, 2003.
- Book Review, "First Among Equals: The Supreme Court in American Life," **Cato Journal**, Summer 2003.
- "Spectrum Licensing and Broadband," **CNET News.com**, July 27, 2003.
- "Handicapping Michael Powell's Legacy Year," **CNET News.com**, June 25, 2003.
- "Outdated Federal Regulations Actually Likely to Impede Diversification in Media," **Rocky Mountain News**, May 24, 2003.
- "The Storm Over Broadband Bundling," **CNET News.com**, April 17, 2003.
- "Show Time at the FCC," **The Washington Times**, February 19, 2003.

- "Will the Real FCC Please Stand Up?" **CNET News.com**, February 7, 2003.

- "The FCC and Telecom Recovery: A Scorecard for Evaluating the New Rules," ***Progress on Point 10.2***, January 2003.

- Thomas W. Hazlett, Edward D. Hearst, Randolph J. May, and Adam Thierer, **Telecrisis: How Regulation Stifles High-Speed Internet Access**, January 2003.

- "Digital Marketplace Myopia," **The Washington Times**, December 8, 2002.

- "Anti-Merger Mania: Regulators Should Let EchoStar, DirecTV Join Forces," **The Washington Times**, December 5, 2002.

- "Pennsylvania Faces A Choice: To Continue to Promote Real Telecom Competition-Or Not," ***Progress on Point 9.27***, November 2002.

- Book Review, "The Rule of Law in America," **Cato Journal**, Fall 2002.

- "A Free-Market Scorecard," **Regulation**, Fall 2002.

- "A Revolution That Has Yet to Occur," **FindLaw**, October 3, 2002.

- "Michael Powell's Telecom Epiphany," **CNET News.com**, July 26, 2002.

- Larry F. Darby and Randolph J. May, Comments to the FCC *In the Matter of Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers*, CC Docket No. 01-338, July 17, 2002.

- "To Litigate or Deregulate: Chairman Powell's Defining Moment," ***Progress on Point 9.20,*** June 2002.

- "The Telecom Meltdown: Causes and Cures," ***Progress on Point 9.18***, May 2002.

- Joseph S. Kraemer and Randolph J. May, "Local Exchange Competition: Progress in Maryland," ***Progress on Point 9.16,*** May 2002.

- "Broadband Gets a Breaux-Nickles Boost," ***Progress on Point 9.15,*** May 2002.

- "A Reform Agenda for the New FCC," **info**, October 2001.

- Comments to the FCC *In the Matter of Applications for Consent to the Transfer of Control of Licenses Comcast Corporation and AT&T Corp., Transferors, To AT&T Comcast Corporation, Transferee*, MB Docket No. 02-70, April 29, 2002.

- Larry F. Darby and Randolph J. May, Comments to the FCC *In the Matter of Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers*, CC Docket No. 01-338, April 5, 2002.

- "Changing the Multi-Channel Video Marketplace," ***Progress on Point 9.9***, March 2002.

- "Hands Off the Broadband Market," **Hartford Courant**, February 27, 2002.

- *Amicus Curiae* Brief, Trans Union LLC v. Federal Trade Commission (01-1080), On Petition for a Writ of Certiorari to the United States Court of Appeals for the District Court of Columbia Circuit, February 22, 2002.

- "Broadband Regulation: Should Congress Act?" ***Progress on Point 9.5***, February 2002.

- "The Tech Community Fashions A Deregulatory Broadband Policy," ***Progress on Point 9.3****,* February 2002.

- "A Scorecard for Evaluating Whether State Telecommunications Policies are Deregulatory and Procompetitive," ***Progress on Point 9.2****,* January 2002.

- Jeffrey A. Eisenach and Randolph J. May, Comments to the FCC *In the Matter of Implementation of Section 11 of the Cable Television Consumer Protection and Competition Act of 1992*, FCC 01-263, CC Docket No. 98-82, January 4, 2002.

- "FCC Rules Slow Progress," **USA Today**, January 2, 2002.

- "Ruling Without Real Rules-Or How to Influence Private Conduct Without Really Binding," Vol. 54 **Administrative Law Review**, 4, Fall 2001.

- Jeffrey A. Eisenach and Randolph J. May, Comments to the National Telecommunications and Information Administration *In the Matter of Request for Comments on Deployment of Broadband Networks and Advanced Telecommunications*, December 19, 2001.

- Jeffrey A. Eisenach and Randolph J. May, Reply Comments to the FCC *In the Matter of Deployment of Advanced Telecommunications Capability*, October 5, 2001.

- Jeffrey A. Eisenach and Randolph J. May, Comments to the FCC *In the Matter of Deployment of Advanced Telecommunications Capability*, September 24, 2001.

- Jeffrey A. Eisenach and Randolph J. May, **Communications Deregulation and FCC Reform: Finishing the Job**, August 2001.

- Joseph Kraemer and Randolph J. May, "Local Exchange Competition: Progress in New Jersey," ***Progress on Point 8.16***, July 2001.

- "ABC's of Getting to 3G Wireless – Another Broadband Alternative Waiting to Be Born: A Symposium," ***Progress on Point 8.15***, June 2001.

- "A Reform Agenda for the New FCC," ***Progress on Point 8.9***, May 2001.

- "The Local Telecommunications Marketplace: Are New Policy Directions Needed?" ***Progress on Point 8.7***, March 2001.

- Jeffrey A. Eisenach and Randolph J. May, Comments to the FCC *In the Matter of Nondiscrimination in the Distribution of Interactive Television Services Over Cable*, March 19, 2001.

- "The Public Interest Standard: Is It Too Indeterminate to Be Unconstitutional?" Vol. 53 **Federal Communications Law Journal**, 427, 2001.

- "The Telecom Act at Five," in **Reflections on the Fifth Anniversary of the Telecommunications Act of 1996**, p. 13, February 2001.

- "Internet Into FCC Clutches," **The Washington Times**, January 7, 2001.

- Jeffrey A. Eisenach and Randolph J. May, Comments to the FCC *In the Matter of High-Speed Access to the Internet Over Cable and Other Facilities*, December 1, 2000.

- "Make Congress Make the Laws," **The Washington Times**, November 7, 2000.

- Joseph S. Kraemer and Randolph J. May, "Local Exchange Competition: Progress in Pennsylvania," ***Progress on Point 7.16***, November 2000.

- "Maintaining the Balance: Brown & Williamson Highlights Profound Separation of Powers Issues," **Fulton County Daily**, July 18, 2000.

- Jeffrey A. Eisenach and Randolph J. May, Comments to the FCC *In the Matter of Public Interest Obligations of TV Broadcast Licensees*, March 27, 2000.

- Jeffrey A. Eisenach and Randolph J. May, Comments to the FCC *In the Matter of Telecommunications Mergers and Broadband Communications*, February 15, 2000.

- "Putting Consumers First: Turning the Corner on Long-Distance Competition," ***Progress on Point 7.1***, February 2000.

- "Give Competition A Chance," ***Progress on Point 6.12***, December 1999.

- Jeffrey A. Eisenach, Charles A. Eldering and Randolph J. May, "Regulatory Overkill: Pennsylvania's Proposal to Breakup Bell Atlantic," ***Progress on Point 6.13***, December 1999.

- "On Unlevel Playing Fields: The FCC's Broadband Schizophrenia," ***Progress on Point 6.11***, December 1999.

- "Is There Light at the End of the Regulatory Tunnel? Not in Pennsylvania*,"* ***Progress on Point 6.8***, November 1999.

- Book Review, "What It Means to Be a Libertarian," **The Cato Journal**, Vol. 16, No. 3, p. 386, 1997.

- "Reforming the Sunshine Act," Vol. 49 **Administrative Law Review**, 415, 1997.

- "Regulatory Issues," Chapter 9 in Stuckey, **Internet and Online Law**, Law Journal Press, 1996.

- "Revisiting Fukuyama: On the Struggle for Recognition, Aggression, and Territorial Imperatives from the Beginning of History to the End of Time," **World Affairs**, Vol. 158, No. 4, p. 193, Spring 1996.

- "Honk If You Want Civil Driving," **The Christian Science Monitor**, p. 20, October 16, 1995.

- "A Baby Boomer's Appreciation," **The Baltimore Evening Sun**, p. 11A, June 20, 1995.

- "Such Outrage is Outrageous," **The Wall Street Journal**, p. A14, January 13, 1995.

- "Independent Judicial Review: An Appreciation of Its Origins and Some Contemporary Musings About Its Role Two Hundred Years Later," Vol. 2 **George Mason Independent Law Review**, 195, 1993.

- Richard S. Whitt and Randolph J. May, "AT&T v. FCC: Permissive Forbearance Policy Impact," Vol. 11 **Communications Lawyer**, Summer 1993.

- Book Review, "The Tempting of America: The Political Seduction of the Law," **Brigham Young University Law Review**, 665, 1990.

- Book Review, "Constitutional Cultures: The Mentality and Consequences of Judicial Review," Vol. 39 **Catholic University Law Review**, 401, 1989.

- Book Review, "A Slippery Slope: The Long Road to the Breakup of AT&T," Vol. 41 **Federal Communications Law Journal**, 237, 1989.

- "The Bypass Issue: The New York Public Service Commission's Response," **Telecommunications**, May 1986.

- "MCI Telecommunications Corporation v. FCC: A Roadblock or Merely a Bump on the Road to Deregulation?" Vol. 38 **Administrative Law Review**, 51, 1986.

- "Does Congress Leave Regulators Up in the Air?" Vol. 5 **District Lawyer**, May-June 1981.

- "Some Preliminary Observations on the Effect the Bumpers Amendment Would Have on the Federal Communications Commission," **Federal Bar News**, September 1980.

- "Solving the Mystery of 'Who is the Plaintiff?' and the Nature of Independent Regulatory Agencies," Vol. 32 **Administrative Law Review**, 747,1980.