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Book Review: Safe It Safely

Harold Birns

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BOOK REVIEW

SAY IT SAFELY. By Paul Ashley. Seattle, Washington: University of Washington Press. 1956. Pp. 117. \$2.25.

LADY MONTAGNE is credited by the author of this book as stating, "I am charmed with many points of Turkish law. The proved authors of any notorious falsehood are burned on the forehead with a hot iron."

It may be with the hope of preventing the entry into our system of jurisprudence of this singular mode of retribution, that the author has compiled this valuable and entertaining handbook. Its purpose obviously is to help students of journalism, and experienced newsmen as well, to keep at a minimum false and libelous statements, and likewise maintain high and enviable standards of ethics in news reporting for all newspapers and broadcasting stations.

"Say It Safely" is sub-titled "Legal Limits in Journalism and Broadcasting." In its preface it is described as "a working tool designed for day to day use by all who write and process copy."

Its brief but well-written chapters consider not alone problems to be encountered by journalists but also those which are currently met by the news commentators whom we hear and see on radio and television.

The eighteen chapters of this manual attempt to shed light on many of the possible pitfalls which might confront any newsman, copyist or editor in reporting daily events. The scope of the book is wide and embraces many phases of libel law. It discusses that interesting and challenging subject from the practical point of view of the newspaper man.

The author's experience as legal counsel for several newspapers and a broadcasting company has enabled him to present clearly and concisely those ordinary events, the careless reporting of which may contain the seeds from which libel suits germinate. He demonstrates that the words used in a news story will be read or heard in the framework of the public knowledge. For example, he states:

"To say that Joe Doakes, the gifted photographer, was having a hilarious time after five highballs would not, under most circumstances, be libelous of Joe. But to say that Joseph H. Doakes was enjoying similar festivities might be libel per se if the reader or listener might reasonably conclude the reference to be to the Reverend Joseph H. Doakes, the eminent pastor of the First Baptist Church."

Other chapters certainly indicate that this volume is up-to-date. Consideration is afforded the subjects of "freedom of speech and contempt of court," "photographs," "right of privacy," "radio and television," and "political broadcasts." It is obvious to this reviewer that good advice can be obtained by students and professionals who must necessarily meet daily problems arising in these fields.

In the area of broadcasting, the Federal Communications Act draws a sharp distinction between broadcasts by a legally qualified candidate for any public office and anyone else. This statute does not require a radio or television station to afford the use of its facilities to any political candidate. However, where one candidate is given the opportunity to broadcast, an equal opportunity must be afforded to all other equally qualified candidates for the same office.

The problem of libel enters the picture because the Federal Communications Act also states that the station "shall have no power of censorship over the [candidate's] material." Because the editing of the proposed speech and the deletion of questionable material is censorship, the author suggests that protection for the radio or television station may be obtained by friendly discussion with the candidate without running afoul of the Federal Communications Act.

It is interesting to know that about thirty states give the station a measure of statutory protection where, under present federal law and the regulations of the Federal Communications Commission, the station is unable to keep the candidate's defamatory statements off the air.

One chapter of this book has the intriguing heading of "keep away from libel

per se." Here the author has listed in practical fashion various occupations which may be used to identify the subject of a news story, and under each listing has set forth synonyms which patently would be considered libelous if used by the reporter or editor. For example, in connection with the word "teachers" are listed expressions such as "ignoramus," "incompetent," "intemperate," "unfit to be on the faculty" and "unladylike conduct," all of which might be quickly passed over in editing a story, and might very well prove to be the springboard from which a law suit for libel would gain momentum. Obviously, this practical approach should be of value to any person in the news field who desires a quick solution to a perplexing problem.

The author states that many news stories in seeking to establish their factual validity use the words "it is alleged," "it is reported," and "police say." Actually these phrases are meaningless so far as liability for defamation is concerned unless the story is one considered to be absolutely privileged.

It is fortunate, too, that this book was authored by an attorney, for he is most mindful of fundamental legal principles. As we know, the modern-day press exerts a tremendous influence over public opinion, and the reputation of an individual may be completely destroyed by careless news reporting. In demonstrating his complete concern with this problem the author states,

"It should be remembered that a suspect is presumed innocent until proven guilty. It may be proper to say, 'Jones was arrested and questioned' but libelous to say, 'Burglar is caught' or 'Hunted criminal is found.' When no indictment, information or warrant has been issued, the story should be limited to a statement such as 'Blank was arrested and is being held' in connection with the case."

The equation between the requirement of society and the protection to be afforded an individual's privacy in the presentation of news is a constantly recurring problem. In his sincere effort to assist in its solution, the author warns, "Except as granted by statute no publisher or broadcaster has prerogatives greater than those of the ordinary citizen."

There is no attempt to have this manual substitute for a treatise on the law of libel or as a legal digest in which the fine points of tort liability are isolated and analyzed. It is presented as nothing more than a handbook which illustrates some of the many differences between the right and the wrong in news reporting, and in this area it is very good, indeed.

It is apparent that the author is high-minded in his approach to his subject. He does not seek to enlarge the questionable area of fair comment by demonstrating how much an ambitious and enterprising reporter can get away with. In comparing responsible and irresponsible acts of reporting, the author advises caution and prudence. His constant admonition to newsmen and students is to be fair in their treatment of the news. This he does, not merely because of the possibility of a law suit, but rather because it is the right thing to do.

Even in discussing situations where enterprising editors envisage a "crusade series," where caution may be thrown to the winds, Mr. Ashley states, "A crusade series is vulnerable because the stories are not founded on spot news brought in through the ordinary channels. Crusade stories are unearthed by the reporter—the plaintiff claims maliciously. So crusade material should be viewed critically."

Nothing is more important to the maintenance of a free society than the preservation and enlargement of the right of the people to know what is going on in public affairs, but the exercise of that right does not permit news reporters and editors to be less than vigilant in seeking to prevent libelous reports from being published.

This book should certainly prove to be an invaluable aid to all who are concerned with maintaining high standards of ethics in the profession of journalism.

HAROLD BIRNS

ASSISTANT PROFESSOR OF LAW
NEW YORK LAW SCHOOL