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DEFAMATION BY RADIO AND TELEVISION—RECENT ADDITION TO THE  
CIVIL PRACTICE ACT*Introduction*

In April of this year, the New York Legislature enacted an amendment to the Civil Practice Act<sup>1</sup> pertaining to defamation by radio and television. It provides, generally, that station owners are relieved of liability in cases where a political candidate utters defamatory remarks in the course of a political speech.<sup>2</sup> This legislation is not an isolated enactment, but part of a general trend throughout the nation.<sup>3</sup> A full understanding of the reasons underlying the passage of these statutes, and the effect which they have on existing law, requires an examination of the history of the law of defamation as it relates to broadcasting.<sup>4</sup>

*Section 315 of the Communications Act of 1934*

In 1927 Congress passed the Radio Act<sup>5</sup> which provided, in part, that a radio station, once having granted broadcast time to a political candidate, must allow an equal amount of time to his opponent. It also stipulated that a station owner could not censor a political speech. These provisions were later reenacted as Section 315 of the Federal Communications Act of 1934.<sup>6</sup> This act was first construed in *Sorensen v. Wood*,<sup>7</sup> wherein a candidate for state attorney general brought an action against Wood and the radio station as

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<sup>1</sup> N.Y. CIV. PRAC. ACT § 337-a.

<sup>2</sup> "The owner, licensee or operator of a visual or sound radio broadcasting station or network of stations, and the agents or employees of any such owner, licensee or operator, shall not be liable for any damages for any defamatory statement published or uttered in or as a part of a visual or sound radio broadcast, by any legally qualified candidate for public office whose utterances, under rules and regulations of the federal communications commission may not be subject to censorship by such owner, licensee or operator of such visual or sound radio broadcasting station or network of stations, or their agents or employees." *Id.* § 337-a(1).

<sup>3</sup> See notes 32 and 34 *infra*.

<sup>4</sup> For a comprehensive history of the law of radio, see Snyder, *Liability Of Station Owners For Defamatory Statements Made By Political Candidates*, 39 VA. L. REV. 303 (1953).

<sup>5</sup> 44 STAT. 1170 (1927).

<sup>6</sup> 48 STAT. 1088 (1934), later amended by 66 STAT. 717, 47 U.S.C. § 315 (1952). "(a) If any licensee shall permit any person who is a legally qualified candidate for any public office to use a broadcasting station, he shall afford equal opportunities to all other such candidates for that office in the use of such broadcasting station: *Provided*, That such licensee shall have no power of censorship over the material broadcast under the provisions of this section. No obligation is imposed upon any licensee to allow the use of its station by any such candidate." *Ibid.*

<sup>7</sup> 123 Neb. 348, 243 N.W. 82 (1932).

parties defendant, alleging that he had been defamed in the course of a political broadcast. The station owner, by way of defense, stated that under Section 315 of the act the station did not have the right to censor a political speech and, consequently, could not be liable for any defamation in the course of that speech. Nevertheless, the Nebraska Supreme Court held the station strictly liable, construing Section 315 to mean that a station could censor any part of the speech which did not have a political or partisan meaning. It reasoned that this situation was analogous to the defamation cases in which newspapers were held strictly liable, adding that Section 315 did not grant a radio station license to publish libel.<sup>8</sup> A similar line of reasoning was employed in *Coffey v. Midland Broadcasting Co.*,<sup>9</sup> in which a station was held liable for defamatory remarks emanating from New York and transmitted over an entire network of which the defendant was a part. The station had no control over the transmission of the particular broadcast and no means of knowing in advance that a defamatory remark would be made.<sup>10</sup> The Missouri court applied the strict liability rule, suggesting that the station insure itself against defamation to cover situations such as this.<sup>11</sup>

The strict liability principle, however, has not been universally followed. Other states, including New York, merely imposed a duty of due care on the radio station.<sup>12</sup> In the leading case of *Summit Hotel Co. v. National Broadcasting Co.*,<sup>13</sup> the defendant leased its facilities to a sponsor and approved the script in advance of the program. In the course of the broadcast, an entertainer "ad libbed" a defamatory remark concerning plaintiff's hotel. The Pennsylvania court decided in favor of the defendant, reasoning that it was not liable for the defamation since it exercised due care. The court refused to

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<sup>8</sup> "There can be and is little dispute that the written words charged and published constitute libel rather than slander." *Sorensen v. Wood*, *supra* note 7, 243 N.W. at 85. There is a conflict as to whether defamation by radio is libel or slander. See *Remington v. Bentley*, 88 F. Supp. 166 (S.D. N.Y. 1949) (slander when not read from script); *Hartmann v. Winchell*, 296 N.Y. 296, 73 N.E.2d 30 (1947) (libel when read from script).

<sup>9</sup> 8 F. Supp. 889 (W.D. Mo. 1934). See *Miles v. Louis Wasmer, Inc.*, 172 Wash. 466, 20 P.2d 847 (1933).

<sup>10</sup> See *Coffey v. Midland Broadcasting Co.*, *supra* note 9; Testimony of W. Theodore Pierson, *Hearings Before the Select Committee to Investigate the Federal Communications Commission of the House of Representatives*, 80th Cong., 2d Sess., pt. 1, at 38 (1948).

<sup>11</sup> This suggestion, it is submitted, has no merit. It is unreasonable that a person should be forced to provide against the commission of an intentional tort over which he has no control. This would be the broadcasters' position if the advice were followed; and it would be the result of being held liable for a tort, the commission of which he is legally incapable of preventing.

<sup>12</sup> See, e.g., *Josephson v. Knickerbocker Broadcasting Co.*, 179 Misc. 787, 38 N.Y.S.2d 985 (Sup. Ct. 1942); *Kelly v. Hoffman*, 137 N.J.L. 695, 61 A.2d 143 (Ct. Err. & App. 1948); *Summit Hotel Co. v. National Broadcasting Co.*, 336 Pa. 182, 8 A.2d 302 (1939).

<sup>13</sup> *Supra* note 12.

accept the newspaper analogy adopted in the *Sorensen* case,<sup>14</sup> stating that no comparison could be made between the two mediums. One basis advanced for this view was that extensive control is exercised over the broadcasting industry by the Federal Government,<sup>15</sup> while the newspaper industry has a maximum amount of freedom.<sup>16</sup> New York applied the due care standard in *Josephson v. Knickerbocker Broadcasting Co.*,<sup>17</sup> a case involving defamation in the course of a political broadcast. There the defendant contended that Section 315 prohibited censorship; therefore, the station should be given a qualified privilege against liability. In addition, it was alleged that due care had been exercised inasmuch as the script had been examined before the broadcast.<sup>18</sup> The court agreed with the position taken by the defendant and refused to impose strict liability.

### *The Port Huron Case*

In 1948, the defamation problem facing the broadcasting industry was further complicated by the decision handed down in the *Port Huron* case.<sup>19</sup> The Port Huron Broadcasting Company had agreed to make time available to three candidates for political office. Upon examining the scripts submitted, the station found that one contained defamatory material. The station owner cancelled all three broadcasts; whereupon two of the candidates submitted complaints to the FCC. The Commission decided to conduct a hearing upon the station's application for renewal of its license.<sup>20</sup> The station requested that the FCC reconsider and grant the license without a hearing. The Commission consented, stating that it did so only because the law was in such an unsettled state. It then proceeded to attempt to

<sup>14</sup> *Sorensen v. Wood*, 123 Neb. 348, 243 N.W. 82 (1932).

<sup>15</sup> For regulations covering commercial broadcasting, see Title 47 U.S.C.; MILLER, *Reappraisal of the Federal Communications Commission's Policies Regarding Issuance of Broadcast Licenses*, in COMMUNICATIONS MEDIA LEGAL AND POLICY PROBLEMS 206 (1954).

<sup>16</sup> There is no stringent control of the newspaper industry by any federal agency. In this sense it cannot be compared with the broadcasting industry. See *Kelly v. Hoffman*, *supra* note 12. For a discussion of the publication of libel by newspapers, see Note, 28 ST. JOHN'S L. REV. 247 (1954).

<sup>17</sup> 179 Misc. 787, 38 N.Y.S.2d 985 (Sup. Ct. 1942).

<sup>18</sup> It was common practice, before any legislation on the subject, for the broadcasters to examine the political speech prior to the broadcast. They would have their attorneys go over it very carefully for defamatory matter and have them write an opinion on it. They would then confer with the political candidate, indicating to him any possibly defamatory material. The candidate would usually agree to its being deleted. In this manner the situation was adequately handled. See Testimony of Don Petty, *Hearings Before the Select Committee to Investigate the Federal Communications Commission of the House of Representatives*, 80th Cong., 2d Sess., pt. 1, at 73 (1948).

<sup>19</sup> *In re Port Huron Broadcasting Co.* (WHLS), 12 F.C.C. 1069 (1948).

<sup>20</sup> Under the statute, every station must have its license renewed once every three years. See 66 STAT. 714, 47 U.S.C. § 307(d) (1952).

clarify the confusion surrounding the application of Section 315. The Commission called for strict compliance with the censorship clause of that section, declaring that:

. . . [W]e are of the opinion that the prohibition of section 315 against any censorship by licensees of political speeches by candidates for office is absolute, and no exception exists in the case of material which is either libelous or might tend to involve the station in an action for damages.<sup>21</sup>

It also expressed the opinion that Congress had preempted the field of radio defamation by the enactment of Section 315, and had intended to give immunity to the broadcaster. It was asserted that once a station enters the field of political broadcasting and extends time to a candidate, it may not withdraw. This opinion has been greatly criticized.<sup>22</sup> It is almost impossible for a modern station to stay out of this area of broadcasting.<sup>23</sup> Moreover, this stand of the FCC apparently nullified the provision of Section 315 which states that a station need not allow *any* candidate broadcast time.<sup>24</sup>

In *Felix v. Westinghouse Radio Stations, Inc.*,<sup>25</sup> the court appeared to agree with the commission's interpretation of the censorship provision, indicating that the prohibition is absolute. However, in an action to annul the FCC's order in the *Port Huron* decision, the court, in *Houston Post Co. v. United States*,<sup>26</sup> refused to give any weight to the commission's opinion. In dismissing the action for lack of jurisdiction, it stated that the *Port Huron* decision was merely an opinion and not an order of the FCC. In 1952, the FCC re-emphasized the stand it had taken in the *Port Huron* decision and unequivocally stated that the prohibition against censorship in Section 315 is absolute. Further, they warned that no violation of this section would be tolerated.<sup>27</sup> Whether or not the state courts will follow this interpretation, in view of prior decisions, is purely conjectural.

As a result of these conflicting opinions, the broadcasting industry found itself on the horns of a dilemma. If the stations failed to comply with Section 315, they ran the risk of losing their licenses. If they did comply and an action for defamation ensued, they were at the mercy of the state courts and their interpretation of Section 315. Furthermore, as previously stated, the *Port Huron* case indi-

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<sup>21</sup> See *In re Port Huron Broadcasting Co. (WHLS)*, *supra* note 19 at 1074.

<sup>22</sup> See Testimony of Don Petty, *Hearings, supra* note 18, at 66; Snyder, *Liability Of Station Owners For Defamatory Statements Made By Political Candidates*, 39 VA. L. REV. 303, 308-09 (1953).

<sup>23</sup> See Snyder, *supra* note 22, at 307.

<sup>24</sup> See note 6 *supra*.

<sup>25</sup> 186 F.2d 1 (3d Cir. 1950), *cert. denied*, 341 U.S. 909 (1951).

<sup>26</sup> 79 F. Supp. 199 (S.D. Tex. 1948).

<sup>27</sup> See Snyder, *Liability Of Station Owners For Defamatory Statements Made By Political Candidates*, 39 VA. L. REV. 303, 312 (1953).

cated that a station, once having entered the field of political broadcasting, could not thereafter withdraw.<sup>28</sup>

### *State Legislation*

Since congressional relief was not forthcoming,<sup>29</sup> the states found it necessary to enact remedial legislation. The statutory relief afforded broadcasters falls into one of two general categories. The Georgia statute is representative of those statutes which *completely absolve* the station owners from liability.<sup>30</sup> It provides that:

In no event . . . shall any owner, licensee or operator or the agents or employees of any such owner, licensee or operator of such a station or network of stations be held liable for any damages for any defamatory statement uttered over the facilities of such station or network by or on behalf of any candidate for public office.<sup>31</sup>

There are presently twenty-six of these statutes in effect throughout the nation.<sup>32</sup> All are similar to a model statute proposed by the National Association of Broadcasters<sup>33</sup> and considerably ease the burden of the broadcasting industry.

<sup>28</sup> *In re* Port Huron Broadcasting Co. (WHLS), 12 F.C.C. 1069, 1071 (1948) (dictum); see Snyder, *supra* note 27, at 308.

<sup>29</sup> Brief for the National Association of Broadcasters as Amicus Curiae, *Hearings Before the Select Committee to Investigate the Federal Communications Commission of the House of Representatives*, 80th Cong., 2d Sess., pt. 1, at 57-60 (1948).

<sup>30</sup> For a list of the statutes which completely absolve station owners from liability, see note 32 *infra*.

<sup>31</sup> GA. CODE ANN. tit. 105, § 105-713 (Supp. 1951).

<sup>32</sup> ARIZ. CODE ANN. § 27-2007 (Supp. 1954); ARK. STAT. ANN. § 3-1606 (Supp. 1953); CAL. CIV. CODE § 48.5(3) (1954); COLO. REV. STAT. c. 41-2-6 (1953); FLA. STAT. ANN. § 770.04 (Supp. 1954); GA. CODE ANN. tit. 105, § 105-713 (Supp. 1951); IDAHO CODE tit. 6, § 6-701 (Supp. 1955); ILL. REV. STAT. c. 38, § 404.2(b) (1951); KAN. GEN. STAT. ANN. § 60-746a (Supp. 1953); LA. REV. STAT. tit. 45, § 1352 (Supp. 1954); ME. REV. STAT. c. 130, § 32 (1954); MICH. STAT. ANN. § 27.1406 (Supp. 1953); MISS. CODE ANN. § 1059.5(2) (Supp. 1954); MO. STAT. ANN. § 537.105 (Vernon, 1953); NEB. REV. STAT. § 86-602 (1950); NEV. STAT. c. 230 (1951); N.M. STAT. ANN. § 40-27-35 (Supp. 1955); N.D. REV. CODE § 14-0209 (Supp. 1953); OHIO REV. CODE ANN. tit. 27, § 2739.03(A) (Baldwin, Supp. 1955); ORE. REV. STAT. c. 30, § 30.760(2) (1953); PA. STAT. ANN. tit. 12, § 1585 (Purdon, Supp. 1954); S.C. CODE tit. 23, § 23-7 (Supp. 1955); UTAH CODE ANN. § 45-2-5 (Supp. 1955); VA. CODE ANN. tit. 8, § 8-632.1 (1950); W. VA. CODE ANN. § 5432(1) (Michie, 1955); WYO. COMP. STAT. ANN. § 3-8204 (Supp. 1955).

<sup>33</sup> See Remmers, *Recent Legislative Trends In Defamation By Radio*, 64 HARV. L. REV. 727 (1951). Many of the states have patterned their statutes after the suggested National Association of Broadcasters' statute. "Section 2. In no event, however, shall any owner, licensee or operator, or the agents or employees . . . of such a station or network of stations be held liable for any damages for any defamatory statement uttered over the facilities of such station or network by or on behalf of any candidate for public office." *Id.* at 741, n.71.

The second class of statutes absolve the station owners from liability *only in the event that they exercise due care* in attempting to prevent the defamatory publication.<sup>34</sup> An example of this type of legislation is the Texas statute which provides that:

The owners, licensees . . . shall not be liable for any damages for any defamatory statement . . . unless it shall be alleged and proved by the complaining party, that such owner . . . has failed to exercise due care to prevent the publication or utterance of such statement in such broadcast.<sup>35</sup>

Notwithstanding the small amount of litigation on this particular subject, many of the states enacted remedial legislation subsequent to the decision in the *Port Huron* case.<sup>36</sup> That decision and the controversy this subject has caused in recent years,<sup>37</sup> in all probability, led to the passage of many of the aforementioned statutes.

The majority are, of necessity, very broadly worded for they sweepingly absolve station owners from liability.<sup>38</sup> A serious question may arise as to whether the station owner is exempt from liability where a representative of the candidate makes the broadcast.<sup>39</sup> There are no cases in the state courts which consider this problem. There is, however, one case in the federal courts. In *Felix v. Westinghouse Radio Stations, Inc.*,<sup>40</sup> a defamatory statement was broadcast by the representative of a political candidate. The court held that the censorship clause in Section 315 did not apply to the representative. Since the case was tried in Pennsylvania, the defendant radio station, permitted to censor the speech under the court's ruling, would be held to a duty of due care under the rule of the *Summit Hotel* case.<sup>41</sup> If other states follow the *Westinghouse* case, the station owner who permits a candidate's representative to speak will not be protected under many of the statutes.<sup>42</sup>

<sup>34</sup> The following statutes impose a duty of due care: IOWA CODE ANN. c. 659, § 659.5 (1950); N.C. GEN. STAT. ANN. § 99-5 (Michie, 1950); S.D. CODE c. 47.05, § 47.0506 (Supp. 1952); TEX. STAT. art. 5433a (Vernon, Supp. 1953); cf. MD. CODE ANN. art. 75, § 19A (Flack, 1951); MINN. STAT. ANN. § 544.043 (Supp. 1954); MONT. REV. CODE ANN. § 64-205 (1947); WASH. REV. CODE tit. 19, § 19.64.010 (1943).

<sup>35</sup> TEX. STAT. art. 5433a (Vernon, Supp. 1953).

<sup>36</sup> See notes 32 and 34 *supra*. Only 9 states had enacted remedial legislation prior to the *Port Huron* decision. See Snyder, *Liability Of Station Owners For Defamatory Statements Made By Political Candidates*, 39 VA. L. REV. 303, 314 n.56 (1953).

<sup>37</sup> See WITTENBERG, DANGEROUS WORDS 265-81 (1948); *Hearings Before the Select Committee to Investigate the Federal Communications Commission of the House of Representatives*, 80th Cong., 2d Sess., pt. 1, 1-109 (1948).

<sup>38</sup> See note 33 *supra*.

<sup>39</sup> See note 42 *infra*.

<sup>40</sup> 186 F.2d 1 (3d Cir. 1950), *cert. denied*, 341 U.S. 909 (1951).

<sup>41</sup> *Summit Hotel Co. v. National Broadcasting Co.*, 336 Pa. 182, 8 A.2d 302 (1939).

<sup>42</sup> The Arkansas statute serves as an example of a statute not specifically covering this situation. "Neither the owner, licensee, or operator of a visual or sound radio broadcasting station or network of stations nor his agents or

The statutes which set up a standard of due care<sup>43</sup> pose another problem. The concept of due care, in this context, usually means taking all possible precautions to prevent defamation. This standard, however, is of no real value in dealing with defamation in this particular area. Due care cannot be exercised under Section 315, since the prohibition against censorship is absolute if the *Port Huron* case is followed,<sup>44</sup> and all the due care possible cannot prevent defamation where the owner is not empowered to delete defamatory matter. Of the thirty-five states which have enacted remedial legislation<sup>45</sup> only eight do not absolve the owner completely.<sup>46</sup> Three states have amended their due care statutes to provide absolute immunity.<sup>47</sup> The only effective statute would be one completely absolving the station owner from liability upon proof that the federal statute and regulations had been complied with.<sup>48</sup>

### *The New York Statute*

Prior to the recent enactment,<sup>49</sup> New York applied the same due care concept as was set down in *Summit Hotel Co. v. National Broadcasting Co.*<sup>50</sup> The new statute, on the other hand, completely absolves the station owner from liability where the utterances of ". . . any legally qualified candidate . . . under rules and regulations of the federal communications commission may not be subject to censorship by such owner. . . ." This immunity, however, is con-

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employees shall be liable for any damages for any defamatory statement published or uttered in, or as a part of, a visual or sound broadcast by a candidate for political office in those instances in which, under the acts of Congress or the rules and regulations of the Federal Communications Commission, the broadcasting station or network is prohibited from censoring the script of the broadcast." ARK. STAT. ANN. § 3-1606 (Supp. 1953) (emphasis added).

<sup>43</sup> See note 34 *supra*.

<sup>44</sup> The *Port Huron* decision, although no more than the mere opinion of the FCC, is adhered to by the broadcasters. The prohibition against censorship is absolute, and mere opinion or not, the stations will follow it. See *Hearings Before the Select Committee to Investigate the Federal Communications Commission of the House of Representatives*, 80th Cong., 2d Sess., pt. 1, at 79 (1948).

<sup>45</sup> See notes 1, 32 and 34 *supra*.

<sup>46</sup> See note 34 *supra*.

<sup>47</sup> FLA. STAT. ANN. § 770.04 (Supp. 1954); KAN. GEN. STAT. ANN. § 60-746a (Supp. 1953); UTAH CODE ANN. § 45-2-5 (Supp. 1955).

<sup>48</sup> A statute somewhat like this proposed statute, has been enacted in Florida. "The owner, licensee, or operator of a radio or television broadcasting station . . . shall not be liable . . . unless it shall be alleged and proved by the complaining party, that such owner . . . has failed to exercise due care . . . provided, however, the exercise of due care shall be construed to include the bona fide compliance with any federal law or the regulation of any federal regulatory agency." FLA. STAT. ANN. § 770.04 (Supp. 1954) (emphasis added).

<sup>49</sup> N.Y. CIV. PRAC. ACT § 337-a.

<sup>50</sup> 336 Pa. 182, 8 A.2d 302 (1939). See *Josephson v. Knickerbocker Broadcasting Co.*, 179 Misc. 787, 38 N.Y.S.2d 985 (Sup. Ct. 1942).

tingent upon the station's announcing, before and after each political broadcast, that the views expressed in the program are not necessarily those of the station, and that the remarks are not subject to censorship.

Although the statute contains a detailed and specific definition of the term "legally qualified candidate,"<sup>51</sup> no mention is made of the representative of a candidate. Accordingly, it would appear that speeches made by such persons do not come within the scope of the statute. If this is so, and if New York follows the rule in the *Westinghouse* case,<sup>52</sup> the station owner would not be protected. A second and more serious problem will arise if New York courts refuse to follow the FCC's interpretation of the censorship clause of Section 315. As previously stated, it has been construed by the Commission as being an absolute prohibition. If the New York courts concur in this opinion, the new statute will completely absolve broadcasters from liability. If, on the other hand, the courts adopt the reasoning that the prohibition against censorship is not absolute,<sup>53</sup> and construe it as allowing censorship of defamatory matter, the New York statute will be rendered completely ineffective. The broadcasters, under such an interpretation, would be placed back in the dilemma they faced prior to the remedial statute's passage, *i.e.*, they will have to choose between loss of license for an FCC violation and the possibility of being sued for defamation.

### Conclusion

The necessity for legislation in this field is obvious, considering the precarious position in which Section 315 places station owners. In the absence of congressional action, state legislation appears to be the only solution. Indeed, the propriety of any congressional action in the first instance would be open to question.<sup>54</sup> The New York

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<sup>51</sup> "2. A 'legally qualified candidate' means any person who has publicly announced that he is a candidate for nomination by a convention of a political party or for nomination or election in a primary, special, or general election, municipal, county, state or national, and who meets the qualifications prescribed by the applicable laws to hold the office for which he is a candidate, so that he may be voted for by the electorate directly or by means of delegates or electors and who (a) has qualified for a place on the ballot or (b) is eligible under the applicable law to be voted by writing in his name on the ballot, or other method and who has been nominated by a political party which is commonly known and regarded as such or makes a substantial showing that he is a bona fide candidate for nomination or office, as the case may be." N.Y. Civ. PRAC. ACT § 337-a.

<sup>52</sup> *Felix v. Westinghouse Radio Stations, Inc.*, 186 F.2d 1 (3d Cir. 1950), *cert. denied*, 341 U.S. 909 (1951).

<sup>53</sup> Section 315 was construed in *Josephson v. Knickerbocker Broadcasting Co.*, *supra* note 50, wherein the court clearly regarded it as completely prohibiting censorship.

<sup>54</sup> It would seem that there is a valid objection on the ground that, where

statute will prove adequate if the courts agree with the FCC on the question of the stations' right to censor political speeches. If they disagree, the statute should be amended to give the broadcaster unconditional immunity for defamation in the course of a political broadcast.<sup>55</sup>

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not absolutely necessary, federal control should not be further extended. See VANDERBILT, *THE DOCTRINE OF THE SEPARATION OF POWERS AND ITS PRESENT-DAY SIGNIFICANCE* 53-95 (1953). It is suggested, as possibly a better solution, that a uniform code be formulated similar to the Uniform Commercial Code. In this way control of the field of libel and slander would be left in the hands of the states.

<sup>55</sup> Within the past year, two bills were introduced in Congress pertaining to defamation by a political candidate. Senator Butler of Maryland proposed an amendment to Section 315 which would prohibit liability from being imposed on licensees, because of defamation in the course of a political speech, unless the licensee had actual intent to defame [S. 1208, 84th Cong., 1st Sess. (1955) in 101 CONG. REC. 1752 (daily ed. Feb. 25, 1955)]. A similar bill was introduced in the House by Representative Miller of Maryland [H.R. 4814, 84th Cong., 1st Sess. (1955) in 101 CONG. REC. 2244 (daily ed. March 10, 1955)]. In addition, a bill was introduced by Senator Payne of Maine which would exclude appearances by candidates on panel shows, news documentaries, debates and similar type programs from the equal time requirement of Section 315 [S. 2306, 84th Cong., 1st Sess. (1955) in 101 CONG. REC. 7813 (daily ed. June 24, 1955)].