Sponsor Position on the Tydings Ad

I would hope you can print this letter in reply to your Oct. 31 editorial criticizing some of our political advertisements. This would not only be an act of fairness on your part but would allow us the same constitutional privilege of freedom of speech and press that the New York Times demanded for newspapers in persuading the United States Supreme Court to adopt the guidelines outlined in this letter.

We call your attention to the fact that, unlike political speeches and broadcasts where no text is submitted in advance, our ads were submitted to the prior censorship of the newspapers before publication.

As The Washington Post indicated in its Oct. 31 editorial:

> ". . . how could we *not* print it, so long as it did not appear to us to be libelous, or to otherwise violate the law, or to be in bad taste."

The Washington Post printed our ad, as did the Los Angeles Times, and about 59 other papers. Presumably they determined the ads to be non-libelous, legal and not in bad taste. The Post further said:

> ". . . the ad was not different in any material way from the character and content of a lot of what has been said by very high office holders in the current campaign."

The law relating to political ads was determined by the U.S. Supreme Court in *N.Y. Times Co.* v. *Sullivan*, 376 U.S. 254 (1964), wherein the New York Times was sued because of a political ad similar to ours, and successfully defended itself on grounds of freedom of speech and press. Some of the remarks of Justice Brennan, who wrote the opinion, indicate the rather broad limits allowed to provide safeguards for freedom of speech and press for critics of the conduct of public officials.

In direct statements, and in quoting other cases, he said (quotes within quotes and citations, etc., omitted):

> "Public men are, as it were, public property, and discussion cannot be denied and the right, as well as the duty, of criticism must not be stifled . . . The constitutional safeguard, we have said, was fashioned to assure unfettered interchange of ideas for the bringing about of political and social change desired by the people . . . The maintenance of the opportunity for free political discussion to the end that government may be responsive to the will of the people and that changes may be obtained by lawful means, an opportunity essential to the security of the Republic, is a fundamental principle of our constitutional system . . . It is a prized American privilege to speak one's mind, although not always with perfect good taste, on all public institutions . . . Those who won our independence believed that public discussion is a political duty . . . (there is) a profound national commitment to the principle that debate on public issues should be unhibited, robust, and wide-open, and that it may well include vehement caustic and sometimes unpleasantly sharp attacks on government and public officials . . . The constitutional protection does not turn upon the truth, popularity, or social utility of the ideas and beliefs which are offered . . ."

Justic Brennan in referring to one case involving a congressman who had complained about criticism said such an attitude by the congressman reflected "the obsolete doctrine that the governed must not criticize their governors." At another place Justice Brennan says that it is the "citizen critic's" duty "to criticize as it is the official's duty to administer." After a thorough review of previous cases, Justice Brennan reaffirmed our national policy favoring the right of citizens to criticize, free from any requirement of "self-censorship" except for statements which are knowingly or recklessly false. Every word in our ad is factually true—a requirement not imposed by the constitutional limitations on free speech.

CARL L. SHIPLEY,
Treasurer, Committee for a Responsible Congress.
Washington.