SFChronicle
18 San Francisco Chronicle ★★ Fri., March 8, 1974

Equal Space in Press

Nixon's Right-to-Reply

Washington

The White House said yesterday that it will seek a new law giving public officials the right to reply to slanderous and libelous attacks against them in newspapers.

If the measure follows the lines of two existing state laws, it would require newspapers to give the same prominence to replies by public figures that it did to the accusations against them.

The legislation, however, could become a vehicle for curbing press criticism of politicians and government officials, in general. It would presumably affect the kind of charges from unnamed sources wihich, while sometimes inaccurate, helped break the Watergate case.

A conflict with the Constitution's guarantees of freedom of the press is also likely, as president Nixon acknowledged at a press conference Wednesday when he brought up his proposal to be sent to congress today.

"We believe that candidates should have a right to defend themselves against false charges that are made during a campaign, whether by their opponents or by the press," Mr. Nixon said Wednesday.

Deputy presidential press secretary Gerald Warren appeared to modify Mr. Nixon's remarks somewhat yesterday when asked to expand on them.

He said the "right of reply" should be given to "public officials" and "public figures" as well as candidates. It would "get at the problem of people making remarks about all public officials," he said, but is "not designed against news media that printed" attacks on the officials.

Mr. Nixon has often charged that he was vilified in the press, and he has attacked some Watergate stories for falsely condemning his former aides. At his press conference he charged that his indicted ex-staffers "have been convicted in the press over and oyer again."
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Warren reiterated Mr. Nixon's opposition to the "equal time" law that requires radio and television to give free time to persons or parties attacked.

Florida and Mississippi both have right-to-reply laws. Florida's, which is 61 years old, is now being challenged for the first time before the Supreme Court on constitutional grounds.

It requires newspapers to publish in equal prominence the replies of candidates "assailed" or "attacked" in print, whether in editorials or news columns. A Florida court upheld the law, ruling that it was necessary to ensure fair elections and to give readers "the whole story, rather than half of it."

The court rejected the argument that the law violated the constitution because, it said, a newspaper is not prevented from publishing material. Rather, the paper is required only to print additional material.

The Miami Herald and other newspapers contended, in their briefs, that the law severely curbs the discretion of journalists "by putting the government in the editor's chair."

At present, public officials have little recourse under the law when attacked in connection with their official activities.

A 1964 Supreme Court decision ruled that an official cannot get damages for a false accusation unless he proves malice—that is, that the newspaper knew in advance that the charge was false, and printed it anyway, or that the newspaper had "reckless disregard" of whether the charge was true or false.

Los Angeles Times

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