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Legal Control of the Press, by Frank Thayer (1956)

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outstandingly valuable treatment of the preparation for trial, with emphasis on automobile accidents. The checklist in ascertaining facts of automobile accident is one of the finest things in the book, and the thoroughness of the approach is capable of much wider application. The good common-sense advice on preparation, interviewing clients, arrangements as to fees, and pretrial procedure could well spell the difference between success and failure to the inexperienced practitioner.

The text closes with Part 10, a brief discussion of Appellate Practice, which is followed by tables of cases and statutes cited, and a good index. The annotations throughout the book, citing cases and statutes, make this volume the best doorway in the office to the Revised Code of Washington, when that publication's index (I use the term loosely) fails (as usual) to disclose its contents.

The make-up and format of the book are excellent, the paragraph headings prominent, the numbers large, the type clear and readable, a boon for hardworking eyes. The publishers are to be congratulated, as well as the author.

Every practitioner in this state, I believe, can profitably read what Towne's Washington Practice has to say about everything the lawyer does. If he fails to find some point of his own cherishing covered, as he certainly occasionally will, the author has foreseen that and mostly asks that any imperfections be called to his attention so that they may be corrected in subsequent editions or pocket supplements. Two such suggestions occur to me from my experience. Section 131 dealing with items of personalty included in a real estate transaction could helpfully indicate that an additional copy of the real estate contract listing the items of personalty may be filed with the County Auditor as a memorandum of conditional sale within ten days from the execution of the contract, and this will preserve seller's title to the items of personalty until the contract is fully paid out. Also I think Section 859 could well mention that determination of tax without probate can be easily accomplished (and usually is) by negotiations with the Inheritance Tax Department of the State of Washington without the necessity of any superior court proceeding. But these will be few and relatively trivial, I believe. The practitioner will not only find an immense number of interesting particulars but a clearer sense of the general; a large sense of scope, of framework, of organization, a clear analysis under which the phases of his work are seen to fit in true relationship and coordination, like the different colored enamel sections in a beautiful cloisonne. I believe the practitioner, be he journeyman or master worker, will not only improve in art and craftsmanship but will gain in enjoyment of his work, in appreciation of and respect for its status, and its value.

Mr. Towne has performed a vast service for the lawyers of the State of Washington, and has, I think, joined the immortals.

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LEGAL CONTROL OF THE PRESS, by Frank Thayer, The Foundation Press, Inc., 1956, 749 pp. The title of this book, together with the author's quotation of Horace Greeley, one time editor of the New York Tribune:

Then hail to the press! Chosen guardian of freedom! Strong sword-arm of justice! Bright sunbeam of truth.

expresses well the scope of the material sought to be covered in the book and the author's views of the press' contribution to a free society. The author believes that an alert, inquiring press, in keeping public officials on their mettle, in seeing that the administration of justice is even-handed, and in conveying to the public all newsworthy events, is fulfilling its finest duty. This book will be of service in aiding members of the press to function actively within the limits of applicable legal controls.

The press, in common with other business organizations, is subject to various legal principles and controls. But, being a unique type of business endeavor, it has certain legal principles which may fairly be considered unique to it.

The first four chapters deal with the subject of freedom of the press. An historical development of the idea of a free press is traced (rather rapidly) from the middle ages to comparatively modern times. In the modern era English history forms the basis of our common law on the subject, and a satisfactory interpretation of the early English decisions and statutes is found in these chapters. Many statutes whose names are familiar to lawyers, for example, the Fox Libel Act and Lord Campbell's Act, have become obscure, if they were not always so. These are explained both from the historical and legal points of view.

Freedom of the press, as a legal concept, has become common coin through the past three decades. Constitutional cases involving labor, religion and subversives have raised the issue in the courts. An analysis of the cases, however, convinces one that much lip service is paid to the idea but very little active service is enlisted for it. These chapters refresh in our minds the meaning of a free press to a free people.

The major portion of the book deals with the subject of libel, including trade libel and criminal libel. Such a large measure of attention is properly paid this field, for it is the one of which newspapermen should be constantly aware. The classification of libelous words is a good survey of the type of words that produce libel actions. The treatment of retraction, however, is a bit brief. Many newspapermen and lawyers are advocates of retraction statutes. Others are strongly against them. Such statutes generally limit liability to special damages if a retraction of the alleged libel is published as required by the statute. The first statute was enacted in Georgia in 1939; ten years later it was repealed to put "all persons on the same footing." A number of states have such acts in force at the present time. A comparison of the content of the statutes and the decisions involving them would have been very valuable and practical to the bar.

The subject of the qualified privilege to report certain public proceedings needs greater treatment. Particularly for the student of journalism and the lawyer whose practice rarely includes libel, a clear and extended analysis of the qualified privilege to make libelous statements needs to be made. Individuals have such a privilege on certain occasions when they are the originators of the libel. See *A Restatement of the Law of Torts* 261, Par. 598. The press has this privilege when reporting the statements (or acts) of individuals when they are involved in certain public proceedings, for the press then is not the originator of the alleged libel.

The right of fair comment and criticism is covered adequately. This right is of importance to everyone interested in keeping public officials within bounds. Recent decisions have pointed up the need for greater latitude to the press in commenting on the conduct of public officers. Perhaps statutory action is indicated. In any event, this chapter is worth rereading often.

This book is more of a text for use by a school of journalism than for practical daily use by the lawyer or law student. Lawyers whose practice involves the newspaper, radio or television industries will find this a good source book from which ideas for further research can be garnered. It brings into focus in one volume the vast area of the law that affects the press. In doing so, the embryonic reporter can learn a great deal in the classroom from it that will make future problems noticeable before they become actions at law. If it serves to make newsmen aware of the need for legal advice, as a matter of foresight, it will have achieved a great deal. I believe it will do that. The schools of radio and television will find this book equally applicable to their industries as it is to the press, especially as regards libel, privacy and contempt of court.

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