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THE LAW OF JOURNALISM, INCLUDING MATTERS RELATING TO THE FREEDOM OF THE PRESS, LIBEL, CONTEMPT OF COURT, PROPERTY RIGHTS IN NEWS, AND REGULATION OF ADVERTISING, by Robert W. Jones. Washington Law Book Company, Washington, D. C., 1940. Pp. xxii, 395.

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clusion. It should be pointed out as well that Deiser edited but one of the Richard II Year Books, that though Bracton's name has been Englished Staunforde's has not, that the correct form of the place name in Appendix C is Bermondsey.

S. E. THORNE*

THE LAW OF JOURNALISM, INCLUDING MATTERS RELATING TO THE FREEDOM OF THE PRESS, LIBEL, CONTEMPT OF COURT, PROPERTY RIGHTS IN NEWS, AND REGULATION OF ADVERTISING, by Robert W. Jones. Washington Law Book Company, Washington, D. C., 1940. Pp. xxii, 395.

This book is apparently designed as a textbook for courses in journalism schools and for practicing journalists who may need a reference work on laws pertaining to the press, though it will also be found useful by the attorney, particularly because of the new light it throws on recent developments and trends in the journalistic field. The author is professor of journalism at the University of Washington, a member of the Missouri bar, and a former newspaper reporter and editor. Therefore, he writes from the point of view of the trained attorney as well as teacher and experienced newspaper man.

The volume consists of eleven chapters as follows: "Freedom of The Press," "Characteristics of Libel," "Defenses to Libel," "Interpretation of Libel," "Contempt of Court," "The Right of Privacy," "Blasphemous Publications," "Property Rights in News," "Copyright Matter and Its Use," "Legal Advertising," and "Regulation of Advertising." An Appendix gives useful information, and there is a complete Index but no table of cases.

It is unfortunate that the first chapter of any book should be the weakest, but this is true of Professor Jones's volume as his discussion of freedom of the press leaves much to be desired. Writers on press freedom weaken their positions when they become defensive concerning the rights of the press and attempt to refute charges leveled against the newspaper by extolling the United States press in comparison with the controlled press of totalitarian countries. When an author gives quotation after quotation to disprove charges made against newspapers of the United

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States without presenting freedom of the press in its broadest aspects, he can hardly be said to be treating the discussion objectively. One of the gravest menaces to freedom of the press, as the late Dr. Willard G. Bleyer stated in a speech before the American Association of Schools and Departments of Journalism, is not so much governmental restriction as it is the threat of restriction exercised in monopolistic control.

In his treatment of freedom of the press, the author gives a thorough analysis of the celebrated Minnesota "Gag Law" but fails even to mention the well-known case of *Grosjean v. American Press Company*¹ which also represents a definite milestone in the struggle for freedom of the press.

Professor Jones is treading on surer ground when he enters into a discussion of libel, to which three excellent chapters are devoted. His interpretations are clearly presented, and the journalist should have no difficulty in understanding what constitutes libel, how to avoid it, and what to do to mitigate damages.

The author's thorough treatment of "Contempt of Court" is especially timely and significant, for no aspect of the law of journalism has come in for more discussion in recent years by both the press and members of the legal profession. That judges possess considerable power in the contempt of court weapon, frequently exercised arbitrarily, is undeniable and the conflict between the rights of the court to maintain the free and unimpeded administration of justice and the rights of the press to report trials without restriction has grown more serious as photography, radio broadcasting, and other developments in the gathering and disseminating of news have come to play an important part in journalism. One of the chief criticisms of contempt charges is that the judge in whose court the alleged offense was committed becomes both the judge and the jury in a trial of the charges; and, since he is frequently the offended party, it is difficult, if not impossible, for the offender to obtain justice. As a possible remedy, the author refers to the provision in the "anti-injunction" law which, upon demand of the defendant, would require a federal judge to recuse himself where the alleged contempt occurred elsewhere than in the presence of his court; and he also mentions the fact that three states—Indiana, Illinois, and Michigan—have removed the objections to "trial for contempt" by enacting legisla-

1. 297 U.S. 233, 56 S. Ct. 444, 80 L. Ed. 660 (1936).

tion preventing judges from sitting in their own courts when offenses committed in their courts are being tried.

The right of privacy, Professor Jones points out, exists only in theory except in a very few states in which, by both statute and judicial interpretation, remedies have been accorded when pictures have been used for advertising purposes. In suggesting that statutory law is needed to protect the individual's right to live his life without molestation, the author should have mentioned the difficulty that would be encountered in framing such legislation so as not to conflict with the constitutional guaranties of freedom of the press.

In discussing property rights in news, the author analyzes the celebrated case of the *International News Service v. Associated Press*,² in which protection was given on the grounds of unfair competition rather than on a contention of property rights in news, and points to this case as the probable basis for a final decision on the matter of the pirating of news by radio stations, an issue not yet passed upon by the United States Supreme Court.

In his final chapter the author takes up the Pure Food and Drug Act of 1906, and as amended in 1938, discusses the duties and functions of the Federal Trade Commission with particular respect to the Wheeler-Lea Act of 1938, and concludes with a timely discussion of the Consumer Movement.

Professor Jones, on the whole, has done a creditable piece of work. His chief contribution lies in his illuminating presentation of new aspects of the law of journalism which, because of their newness or because of the inability of recent writers to recognize their significance, have not been treated at all or have been dismissed with a bare reference.

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ALEXANDER FEDERAL TAX HANDBOOK. The Alexander Publishing Company, Incorporated, New York, 1941. Pp. 1125, supp. pp. 76.

The publisher of this volume came late to the field of loose-leaf tax services; only within the last five years have its publications been sufficiently widely known to gain consideration when

2. 248 U.S. 215, 39 S. Ct. 68, 63 L. Ed. 211 (1918).

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