

HOUSE No. 6164

Substituted by the House, on motion of Mr. Menton of Watertown, (in part) for a Bill further regulating the publication of political advertisements by newspapers or other periodicals (Senate, No. 1451). August 30.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Seventy-One.

HOUSE OF REPRESENTATIVES, August 30, 1971.

1 *Whereas*, There is pending before the General Court a bill
2 printed as Senate, No. 1451, entitled "An Act further regulating
3 the publication of political advertisements by newspapers or
4 other periodicals", a copy of which is submitted herewith; and

5 *Whereas*, Said bill seeks, in part, to prevent newspapers or
6 other periodicals from imposing a charge for political advertising
7 which is greater than the charge imposed upon other non-
8 political advertisers for the same space, under similar circum-
9 stances, complexity and location in the same edition or issue; and

10 *Whereas*, Said bill attempts to prohibit an unfair practice
11 without attempting in any way to interfere with or restrain the
12 freedom of the press; and

13 *Whereas*, Said bill also would prohibit a newspaper or
14 periodical from refusing to accept political advertising from a
15 candidate or organization relating to the same primary, election
16 or referendum in connection with which said newspaper or
17 periodical had already accepted political advertising relating to
18 the same matter; and

19 *Whereas*, Such prohibition again is not intended to interfere
20 with the freedom of the press; and

21 *Whereas*, Grave doubt exists as to the constitutionality of said
22 bill, if enacted into law; therefore be it

23 *Ordered*, That the opinions of the Honorable the Justices of
24 the Supreme Judicial Court be required by the House of
25 Representatives upon the following important questions of
26 law: —

27 1. Would the enactment of Senate, No. 1451 violate the First
 28 Amendment in the Bill of Rights of the United States Constitu-
 29 tion and Article XVI of the Declaration of Rights of the
 30 Constitution of Massachusetts?

31 2. Does the attempt to regulate political advertising in Senate,
 32 No. 1451 constitute interference with or prior restraint on the
 33 freedom of the press?

WALLACE C. MILLS,
 Clerk.