

then they are relieved. If in fact, they take it knowing that it is false and misleading, then they are really not into that provision and that is why the Johnson amendment to add good faith to the provision is in there.

SENATOR COPE: But wouldn't it be possible if they did no checking whatsoever, be pretty hard to prove that they didn't take it in good faith. I am thinking about...oh, instances; some fly by night land developer, some unscrupulous person selling gold mine stocks and a variety of unscrupulous operators and I just would like your answer to that.

SENATOR NEWELL: That is one of the problems...that is one of the needs for the bill as it is a very difficult thing, you know, an advertiser...someone who is advertising with a newspaper, they don't know, they can't...it would be an impossibility to go out and check whether the inventory is correct or whether they had it priced at what they said they had it priced at, whether they...you know, it is just impossible. If they take an ad and present that ad as the individual who is taking that ad out has indicated to them, then if they do that in good faith and they believe that, then they are relieved of responsibility. If, in fact, they know that Joe Schmoe is an unscrupulous person and is advertising falsely, you know, some leaders or some other things, then, in fact, they would also be responsible so it does not totally relieve the newspaper or the media, whichever it would be, from responsibility if they know.

SENATOR COPE: Well I fully realize that probably 95% of the media are going to do this anyway for their own reputation but I am just wondering about that small part that could be unscrupulous in accepting ads that there might be some control. That is my only question.

SENATOR NEWELL: If they are unscrupulous then it is not in good faith and then they are liable for court actions and they would come under the penalties. That is why the Johnson amendment to add good faith.

SENATOR COPE: I hope it works that way.

SENATOR NEWELL: So do I.

PRESIDENT: Senator Beutler.

SENATOR BEUTLER: Senator Newell, I would just like to reiterate this to make sure the record is straight on this so there is no problem with it and I would just ask you to