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Letter to William B. Arthur Regarding *Tornillo v. the Miami Herald*

Tobias Simon

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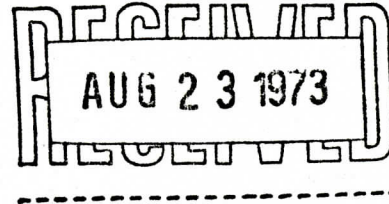
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August 20, 1973

National News Council
41 East 70th Street
New York, New York 10021



Attention: William B. Arthur
Executive Director

Re: Tornillo v. Miami Herald

Dear Mr. Arthur:

I enclose for your consideration a copy of the decision in the matter of Tornillo v. the Miami Herald. Herein, the Florida Supreme Court, by a 6 to 1 decision, upheld Florida Statute 104.38 against a tax of unconstitutionality predicated upon alleged violations of the First Amendment. Following the decision, a petition for rehearing was filed, which most of the newspapers of the State of Florida are now joining. Most newspapers throughout the Country are unquestionably going to seek to appear as amicus curiae when the case reaches the Supreme Court of the United States.

This case was handled on appeal by Jerome A. Barron, Professor of Law at the George Washington University, National Law Center; and Professor Barron will be handling the matter before the Supreme Court of the United States. It is his thesis, and has been for several years, (as appears from published articles in the Harvard Law Review and other publications) that access to the press is required by the First Amendment; rather than prohibited by it.

I will not burden you with further comment on these respective positions since the Supreme Court of Florida covers them rather nicely in the majority and dissenting opinions.

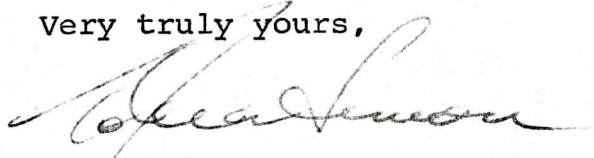
Ralph Renick of WTVJ has advised me of the work of your group and I bring this matter to your attention as something that you must surely be interested in. I gather this from reading the by-laws and rules of procedure of the National News Council and the various press releases that attended your formation.

LAW OFFICES
TOBIAS SIMON

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Obviously, it is my hope that you will see your way clear to enter this litigation and hopefully on what I consider to be the proper side -- one which will guarantee to the people of this Country -- a truly free press by permitting them access to it.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Tobias Simon", written in dark ink.

TOBIAS SIMON

TS:kk

cc: Pat Tornillo
Jerome A. Barron