reckless disregard for truth or falsity. The first amendment precludes penalizing the negligent defamor of the public official, See New York Times v. Sullivan, 376 U.S. 255 (1964).

47 USCA, §315 (Communications Act of 1934 amended in 1952) provides that if any licensee permits a qualified candidate for public office to use a broadcasting station, he shall also afford equal opportunities to all other candidates for that office in the use of the broadcasting station. It also provides that no licensee of the broadcasting station has power of censorship over material broadcast under this provision.

In Farmers Educational and Cooperative Union v. WDAY, Inc., 260 U.S. 525 (1958) the Supreme Court construed the censorship prohibition as not only being absolute, but also that the censorship prohibition carries with it, by necessary implication, an absolute immunity from liability for libelous statements broadcasted.

While §6(a) grants a broadcasting station immunity from liability for libelous statements made by a candidate for public office this immunity is limited to cases where "the publication or utterance cannot be censored. . ."

However, it is unclear which statements made by a person seeking a public office can be censored.

Also it should be noted that §6(b) specifically requires proof of actual malice for recovery of punitive damages. The present Maryland law as interpreted in Pulverman v. A.S. Abell Co., 131 F. Supp. 619 (D. Md. 1955) aff'd 228 F.2d 797 (4th Cir. 1956) requires that malice, actual or implied is an essential element of any action for libel and slander. However, §6(b) appears not to be in conflict with this interpretation because it does not eliminate the requisite proof of actual or implied malice for recovery of compensatory