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Court Reverses Gen. Walker Libel Judgment

WASHINGTON (AP)—The Supreme Court threw out today a \$500,000 libel judgment won by former Maj. Gen. Edwin A. Walker against the Associated Press.

All nine judges voted to set aside the judgment, won by Walker in a Fort Worth, Tex., state court in 1964. They entered four separate opinions to state their views.

In the controlling opinion, Justice John M. Harlan said there wasn't "the slightest hint of a severe departure from accepted publishing standards" in the way The Associated Press reported Walker's activities at the University of Mississippi campus at Oxford in 1962.

"WE THEREFORE conclude that Gen. Walker should not be entitled to damages from The Associated Press."

Riots swept the Mississippi campus the night of Sept. 30, occasioned by the admission of a Negro, James Meredith, into the university.

The AP reported Oct. 2 and 3 that Walker had "Assumed command of the crowd" and had "led a charge of students against federal marshals."

HARLAN SAID there was no evidence of "personal prejudice or incompetency" on the part of the AP's reporter, Van Savell, of The Associated Press.

Harlan noted that Walker had "denied categorically taking part in any charge against the federal marshals." However, Harlan also noted that Savell "was actually present during the events described and had reported them almost immediately to The Associated Press office in Atlanta."

The justice said "a discrepan-

cy" was shown between an oral account given the office and a later written dispatch. But he said it related solely to whether Walker had spoken to a group of students on campus "before or after approaching the marshals."

HARLAN REFERRED to this as a "minor discrepancy" and said:

"Negligence, it may have been; malice, it was not."

The nub of Harlan's opinion was that The Associated Press exercised a proper "degree of care" in its dispatches.

The Fort Worth trial jury returned a judgment against the AP of \$500,000 in actual damages and \$300,000 in punitive damages.

District Court Judge Charles A. Murray later set aside the award for punitive damages, saying the AP was not actuated by malice in its account of Walker's activities.

THE TEXAS COURT of Civil Appeals affirmed the \$500,000 judgment July 30, 1965. The Associated Press then appealed to the supreme court.

When the high court heard the case last Feb. 23, the AP argued that its account was true, that Walker "became the central figure to whom the rioters looked for leadership."

Former U.S. Atty. Gen. William P. Rogers, representing the AP, said "it is perfectly obvious based on his own words that he did not go to the scene of the rioting as a spectator or an observer—he went there as an active collaborator."

The \$500,000 judgment represented one of 15 actions instituted by Walker against the AP and various newspapers seeking damages aggregating \$33,250,000. The fact that all nine supreme court justices voted to reverse the judgment indicates that no other is likely to stand if it ever reaches the high court.

THE OTHER defendants, the location where the suit was filed and the amount sought include:

The Associated Press, Tarrant County, Tex., \$2 million.

The Associated Press, Duval County, Fla., \$2 million.

The Associated Press, Pulaski County, Ark., \$1 million.

The AP and Times-Picayune Publishing Corp., Caddo Parish, La., \$2.25 million.

The Denver Post, Inc., and the AP, Denver, Colo., \$1 million.

The Kansas City Star Co.,

and the AP, Jackson County, Mo., \$1 million.

Savell and the AP, Lafayette County, Miss., \$2 million.

Courier-Journal and Louisville Times Co., Inc., and WHAS, Inc., Louisville, Ky., \$2 million.

Times Publishing Co., Pinellas County, Fla., \$2 million.

The Pulitzer Publishing Co., St. Louis, Mo., \$2 million.

Atlanta Newspapers, Inc., and Ralph McGill, Atlanta,

Ga., \$10 million.

The Journal Co., Milwaukee, Wis., \$2 million.

The Gazette Publishing Co., Little Rock, Ark., \$1 million.

Arkansas Democrat Co., Little Rock, \$1 million.

Southern California's mission of San Juan Capistrano's swallows are cliff swallows. They are one of the few western birds that live close to man, building globular mud nests under eaves