

New Trial On Picture Of Nixon

New Haven

The Connecticut Circuit Court's appellate division has ordered a new trial for an underground newspaper editor who published an off-color drawing bearing President Nixon's name.

The judge erred in not requiring the prosecution to prove that Jack Hardy, editor of the paper, was motivated by malice, the three-judge panel ruled in a decision released last night.

Hardy was convicted of criminal libel in the state Circuit Court for printing a drawing of a fist with an upraised, phallic middle finger. Mr. Nixon's name was inscribed under it.

The drawing was published in the "Liberated Press," an underground paper published weekly at the University of Hartford.

Judge William S. Ewing Jr. concluded that the drawing was offensive, abusive and indecent, and that the state was not required to prove that its publication was a malicious act.

The appellate division, however, said past U.S. Supreme Court rulings have established that to be convicted, a person charged with either civil or criminal libel of a public official must be shown to have acted in malice.

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