

# Libel Law Held Unconstitutional

ST. LOUIS (AP) — The Eighth U.S. Circuit Court of Appeals has declared unconstitutional a federal law against libelous and defamatory speech on the grounds that it is vague and overly broad.

In overturning the conviction of an Arkansas postal employee under the law, the three-judge panel said the statute "sweeps within it a great variety of conduct under a general and indefinite characterization, and leaving to the executive and judicial branches too wide a discretion in its application."

The decision came in an appeal by Ray Allen Tollett, who was convicted and sentenced to two years in prison for mailing eight postcards containing defamatory language about a former employee and the employee's wife.

The government contended that one of the purposes of the law, which specifically punishes "libelous, scurrilous, defamatory and threatening speech," was to preserve the integrity of the mails and protect postal employees from being unwillingly exposed to offensive matter.

"It must be presumed," the court said, however, "that the postal employees' job is to deliver the mail and not read it. They are in no way forced to read the language on envelopes or postcards other than to determine the address."

Citing a number of previous court decisions on the matter, the appellate panel said it was doubtful the government had much of a legitimate interest in punishment of "name calling" between private parties.