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## Tabloid's Setback in 'Reprint' Libel Suit

State justices uphold \$1.17 million verdict

By Harriet Chiang
Chronicle Legal Affairs Writer

Setting limits on the coverage of private individuals, the California Supreme Court ruled yesterday that the media are not protected from libel suits if they reprint defamatory statements about a private figure.

In a unanimous decision, the high court upheld a \$1.17 million verdict awarded to Khalid Khawar, a Bakersfield farmer who was falsely identified as the assassin of Senator Robert Kennedy in an article by the Globe, a tabloid newspaper.

In 1989, the Globe ran an article summing up a book by conspiracy theorist Robert Morrow that contained the false allegations about the 1968 assassination. The Globe ran an enlarged photo of Khawar that appeared in Morrow's book. Next to the article, it had an arrow pointing to Khawar and identifying him as the assassin

The Globe argued that it could not be found liable because it was accurately reporting on a matter of public controversy.

The tabloid's legal defense was supported by several major news organizations, which were concerned about the standards the court would set for reporting secondhand news.

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But the state Supreme Court said most courts have recognized this privilege only when it involves a public figure.

"Republication of accusations made against private figures are never protected by the neutral reportage privilege," wrote Justice Joyce Kennard in the court's opinion.

Reporting false accusations involving private individuals can have a "devastating effect" on their reputation because they do not have the same access to the media as a public figure to defend themselves, Kennard said.

The high court declined to say whether the media would be protected if they were reporting on a public figure.

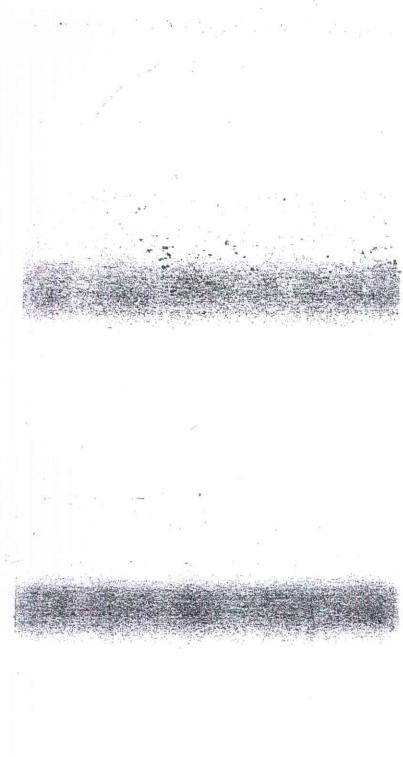
James Breisford, a San Francisco attorney who filed a friend-of-the-court brief on behalf of the American Broadcasting Co., Hearst Corp. and several other news organizations, said it is disappointing that the court refused to recognize this privilege.

"It rejected some of the realities of what it means to be in the news reporting business," he said.

"The court is issuing a warning that when it comes to media reports on non-public figures, the press is going to be held to a tight standard," he said.

Khawar's attorney, Francis Pizzulli of Santa Monica, said the decision draws a line between mainstream journalism and tabloid newspapers. "Most people don't

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lies," he said. look to the media for retelling

who have no good faith in spreadfies that their reputations are not grist for the mill for journalists volved, he said, "the decision clariing the truth. When private people are in-

several other news groups, said she was relieved that the court did Los Angeles attorney Kelli Sager, who filed a brief in support of the Globe on behalf of NBC, not use this decision to infringe on views and wire service stories that the media's right to run book re-CBS, the Los Angeles Times and

report on defamatory statements.

ures," she said. when reporting on private figcourt drawing a line between rethat you need to take special care public figures, telling newspapers porting on private figures and "This is another example of the

shah's secret police and the Mafia. in 1968 was the work of the Iranian Senator Must Die." Morrow alleged that Kennedy's assassination Globe ran an article in its April 1989 issue on Morrow's book, "The The controversy arose after the

Kennedy as a photojournalist for a sador Hotel where he was covering to taken of Khawar at the Ambas-He included in the book a pho-

when the senator was shot, accorddy but he was in another room ing to the FBI had his picture taken with Kenne-

numerous threats. After the story was published, Khawar and his family received

gust 1989 and won. The state Court of Appeal upheld the verdict. He Khawar sued the Globe in Au-

ed moments after he had his photo that Kennedy would be assassinatcause he had no way of knowing the court said Khawar was not an "involuntary public figure" be-In upholding Khawar's verdict

Pakistani magazine.

Khawar was at the hotel and

also sued Morrow, but lost.

taken with him.

counter the defamatory false-hoods in the Globe article," Ken-Nor did he have sufficient access to the media "to effectively nard said.

tenced to life in prison. found guilty by a jury and senextensive investigation on the ascal prosecutors had conducted an lished the report. The FBI and loacted with malice when it pubwas ample evidence that the Globe sassination. The court also found that there Sirhan Sirhan

book's central claim," Kennard doubt the accuracy of the Morrow "There were obvious reasons to