

~~MISC~~
MISC. II - WALKER

30 Sept. 1964
231 PCS

EB147

FORT WORTH, TEX., SEPT. 30 (AP)-DISTRICT COURT JUDGE CHARLES J. MURRAY ANNOUNCED TODAY THAT HE HAD OVERRULED A MOTION BY THE ASSOCIATED PRESS FOR A NEW TRIAL IN A LIBEL ACTION BROUGHT BY EDWIN A. WALKER.

ATTORNEYS FOR THE ASSOCIATED PRESS HAD CONTENDED THAT MISCONDUCT BY SOME JURORS AFFECTED THE OUTCOME OF A TRIAL HERE IN JUNE. THE JURY HAD AWARDED \$500,000 ACTUAL DAMAGES AND \$300,000 PUNITIVE DAMAGES. JUDGE MURRAY LATER RULED THAT NO MALACE HAD BEEN SHOWN AND ELIMINATED THE \$300,000 PUNITIVE DAMAGES. WALKER'S SUIT WAS BASED ON ASSOCIATED PRESS ACCOUNTS OF WALKER'S ACTIVITIES ON THE CAMPUS OF THE UNIVERSITY OF MISSISSIPPI DURING THE ENROLLMENT OF JAMES MEREDITH, A NEGRO, IN 1962.

IN A LETTER TO ATTORNEYS TODAY JUDGE MURRAY SAID IT WAS SHOWN AT A HEARING ON THE MOTION FOR A NEW TRIAL THAT AT LEAST ONE JUROR MADE THE STATEMENT THAT "THE ASSOCIATED PRESS HAD PLENTY OF MONEY AND WOULD NEVER MISS IT," AND THAT AT LEAST ONE JUROR MADE THE STATEMENT THAT A GEORGIA FOOTBALL COACH HAD RECEIVED A SUBSTANTIAL AWARD IN DAMAGES FOR LIBEL IN ANOTHER CASE NOT INVOLVING THE ASSOCIATED PRESS.

JUDGE MURRAY FOUND THAT THE JURORS' STATEMENTS DID CONSTITUTE JURY MISCONDUCT BUT ADDED THAT NONE OF THE STATEMENTS APPEARED TO HAVE "INDUCED ANY JUROR TO CHANGE AN ANSWER OR VOTE DIFFERENTLY THAN HE WOULD OTHERWISE HAVE DONE ON ONE OR MORE OF THE ISSUES."

THE ASSOCIATED PRESS WILL APPEAL THE VERDICT TO THE TEXAS COURT OF APPEALS.

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