

# La. Can't Sue Life Magazine, Court Affirms

BATON ROUGE (AP) — An appeal court ruled today that the state has no right to sue Life Magazine for \$10 million in damages over an article alleging Mafia influence in state government.

The governor said that "we're going to take it to the highest court of last resort for the libelous slander committed against the state."

The 1st Circuit Court of Appeal affirmed a district court ruling which had thrown out the suit, filed by the governor in the name of the state, on grounds the state cannot sue for damages.

Gov. John McKeithen filed the suit against Time Inc. publishers of Life, after an edition in April 1970 charged that organized crime had a strong in-

fluence on some aspects of state government.

THE DISTRICT decision, issued on Oct. 8, 1970, said a state is a government composed of temporary representatives and has no cause of action for defamation.

The appeal was based on the questions of whether a state has cause of action for defamation and whether a state can bring an action "on behalf of its citizens."

On both questions, the appeals court said the state could not.

THE ORIGINAL decision had noted that individuals could sue for damages, but not a state.

McKeithen had instructed Atty. Gen. Jack Gremillion to sue in the name of the state and not in the name of individuals.

District Judge Melvin Shortess had held that to support such an action "would be to reject the basic principle that the people are the supreme sovereign and to replace it with the anti-ethical concept that the state is supreme and exists apart (from) . . . the people."

Cicero Sessions, attorney for Life writer David Chandler, said he had expected the opinion.