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U.S. Supreme Court Reverses News Review Libel Judgment

(The full text of the U. S. Supreme Court decision is reprinted on pages 4-5)

In a unanimous 8-0 decision, the U. S. Supreme Court on Monday, May 18, reversed the \$17,500 libel judgment against the *Greenbelt News Review* awarded to local developer Charles S. Bresler as the result of a Prince Georges Circuit Court jury verdict in January, 1968. The verdict had been upheld by the Maryland Court of Appeals in May, 1969.

The main issue in the case involved the publication by the *News Review* of remarks made by citizens at two city council meetings in October, 1965 which characterized as "blackmail" a proposal of the developer that sought city support for rezoning one tract of land at higher density in exchange for making available at an acceptable price another piece of property for a senior high school site. Bresler's attorney, Abraham Chasanow, maintained that the articles imputed to Bresler "the commission of the crime of blackmail" and were published because the paper bore hostility toward Bresler.

In the decision rendered by Justice Potter Stewart, the court held "that as a matter of constitutional law, the word 'blackmail' in these circumstances was not slander when spoken, and not libel when reported in the *Greenbelt News Review*." The court referred to the fact that Bresler's negotiations with the city were a subject of substantial concern to all who lived in the community and had evoked substantial controversy and heated debates.

Publishing Reports Legitimate

Justice Stewart agreed with the argument put forward by the newspaper's attorney, Roger A. Clark, that the newspaper was "performing its wholly legitimate function as a community newspaper when it published full reports of these public debates in its news columns." To hold otherwise, the high court said, "would subvert the most fundamental meaning of a free press."

definition of malice contained in the instructions. He disagreed with the rest of the court that there was no evidence to support a judgment that the charge of blackmail would be understood by the average reader to import criminal conduct. Justice White implied that he would not "immunize professional communicators from liability for their use of ambiguous language."

Justices Hugo L. Black and William O. Douglas filed their customary concurring opinion in libel cases, reminding the court that they feel the First Amendment forbids all libel suits.

Council to Testify at School Budget Hearing

The city council agreed at its May 18 meeting to testify at the school board budget hearings on Wednesday, May 27 to be held before the county commissioners at 8 p.m. in the auditorium of the Fine Arts Building, Prince Georges Community College, Largo. The council will ask for deletion of the \$2,448,000 budget item for a Greenbelt senior high school.

State Senator Edward T. Conroy told the council that he had been assured by the Governor's office that SJR-81 will be signed this week. This is the resolution passed in the closing days of the General Assembly which called for a moratorium on construction of the high school on parcel 2 until alternate sites are explored by the school board with the city of Green-

WHAT GOES ON

Fri., May 22, 8:30 p.m. Duplicate Bridge - Co-op Hospitality Room

Mon., May 25, 7:30 p.m. - Labor Day Festival Meeting - Greenbelt Library

8 p.m. Budget Hearings - Municipal Building

Tues., May 26, 8 p.m. - Budget Hearings - Municipal Building

Wed., May 27, 8 p.m. Greenbelt Democratic Club - Municipal Building

8 p.m. - County Budget Hearing - P.G. Community College Fine Arts Building

GODDARD SPACE CENTER SPONSORS BAND CONCERT

The Goddard Space Flight Center Employees' Welfare Association will sponsor a free concert by the Greenbelt Concert Band, Sunday afternoon, May 24, in the auditorium of Building 8 at Goddard at 3:30 p.m. The public is cordially invited.

The Greenbelt Concert Band, under the direction of Mr. John Delhomme, consists of 65 talented musicians from the Washington metropolitan area. The concert will feature popular concert selections such as *Bank of America March*, P. Lavalie; *Southern Roses Waltz*, J. Strauss, *Mississippi Suite Overture*, F. Grofe; and a trumpet trio playing *The Three Solitaires*, Victor Herbert.

Recreation Review

The Department of the Interior's National Park Service is conducting a "Camp-O-Rama" May 23-24 from 10 a.m. to 6 p.m. on Saturday at 9 p.m. in the Sweet Gum Picnic Area of Greenbelt National Park. A one-hour film "America's Wonderlands - The National Parks," will be shown and camping equip-

With respect to the word "black-mail," Stewart said, "it was simply impossible to believe" that the articles could be read as charging Bresler with a crime. "Even the most careless reader," the Justice continued, "must have perceived that the word was no more than rhetorical hyperbole, a vigorous epithet used by those who considered Bresler's negotiating position extremely unreasonable."

Stewart noted that the articles published in the **News Review** were accurate, full, and truthful reports of what had been said at the public hearings before the city council.

Instructions to Jury

In reversing the judgment the court held that the instructions to the jury constituted an "error of constitutional magnitude." To define "malice," as the trial judge did, to include "spite, hostility, or deliberate intention to harm," Justice Stewart said, was contrary to the **New York Times** rule.

The **New York Times** rule precludes recovery in libel suits by public officials and public figures except where they can prove that a false and defamatory statement was made with knowledge that it was false or with reckless disregard of whether it was false or not. The court held that Bresler's status clearly fell within the most restrictive definition of a "public figure."

In concurring opinion, Justice Byron R. White agreed that the judgment should be reversed, but only on the basis of the erroneous

school board with the city of Greenbelt.

On Mayor Francis White's motion, council voted to authorize city manager James Giese to hire whatever additional assistance he might need to prepare material for any school site hearings. Councilman Edgar Smith had complained that the city was not getting complete information on the various matters that might affect the school site decision, such as sewage costs, etc.

The council approved a proposal to prohibit parking on the south side of Crescent road, from the entrance to the Jaycee Club House and school to Parkway Road. The proposal had been reviewed by St. Hugh's.

In other matters council

- (1) Agreed by a 3-2 vote to look into an offer from the Korean Methodist Church for purchase of the Holy Cross Lutheran Church property which had been recently acquired by the city. Mayor Francis White and councilman Dick Pilski were in the minority.
- (2) Directed the city manager to ask the regional post office department to locate another parking area for the mail trucks which are now using the north parking lot.
- (3) Proposed a resolution congratulating the **Greenbelt News Review** on its successful appeal to the Supreme Court.
- (4) Reemployed for another year as auditor the firm of Lee, Hendricks, Hale & Co.

ment and methods will be demonstrated. The public is invited. For information, call 381-7445.

RAINS RELOCATE NAT'L GUARD

The National Guard detachment present in Greenbelt on that rainy night of May 13 had to run for cover when their tent facilities were flooded out. Many took shelter in the firehouse, others in the Youth Center, others at the swimming pool locker rooms. A few settled down in trucks belonging to the unit, where they waited out the rest of the night.

The city has received some inquiries concerning why the Guard contingents are not utilizing the national park south of Greenbelt Rd., since that is already fitted out with camping facilities. The answer, according to City Manager James K. Giese, is that Greenbelt Park is reserved for federal troops in time of crisis and for that reason is not available to a State militia.

Concerning citizen inquiries about costs accruing to the city by the Guard presence, Giese pointed out that the Guard will be billed for all expenses — a principal one being the phone bill, he surmised. Another expense to the city was overtime labor for the Public Works crew who turned on the water and gas heat at the pool locker room the night of the first Guard contingent's arrival.