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# Hustler, Enquirer lose libel appeals

**United Press International**  
WASHINGTON — The Supreme Court, in rulings involving the National Enquirer and Hustler magazine, Tuesday subjected national newspapers and magazines to libel suits filed virtually anywhere in the United States.

In a \$20 million libel suit against the National Enquirer, the court unanimously held that

journalists based in one state are not protected from being sued in another, more distant state.

Ruling separately to revive an \$80 million suit against Hustler magazine by a female official of rival magazine Penthouse, the court unanimously said a publication can reasonably expect to be sued "wherever a substantial number of copies are regularly sold and distributed."

In both cases the court emphasized the publications were national and had large circulations in the states where the suits were brought.

The rulings were a blow to publishers and broadcasters who argued that subjecting

them to litigation in far away states would lead to disruption in newsrooms, costly legal fees and, possibly, crippling damage awards.

In another ruling, the court upheld, 8-0, a \$10.5 million verdict against Monsanto Co., for conspiring with other distributors to fix the resale price of herbicides.

In the libel case against the Enquirer, brought by Hollywood actress Shirley Jones and her husband, the justices ruled 9-0 that the Enquirer's editor and reporter must be prepared to answer in California for an article about the actress.

The suit by Jones and her husband, theatrical producer Marty Ingels, stems from an Oct. 9, 1979, article that said Ingels had "terrorized his staff, cheated stars, outraged advertisers and scandalized Hollywood," and that his wife "has been driven to drink by his bizarre behavior."

The controversial tabloid distributes more than 30 million copies in California each year. Under the circumstances, Justice William Rehnquist wrote for the court, they must "reasonably anticipate being hauled into court there" to answer for the truth of the statements made in their article.

The 9-0 ruling in the Hustler case, also written by Rehnquist, allows Penthouse executive Kathy Keeton to pursue her libel case in New Hampshire, which is the last state that can still consider her claims.

Her suit against Hustler Publisher Larry Flynt arises from a 1976 Hustler cartoon she claims accuses her common-law husband, Penthouse publisher Robert Guccione, of infecting her with venereal disease.

Hustler's regular circulation in the state is sufficient legal grounds for allowing the libel suit to be brought in that state, Rehnquist said.

## EPA controversy flaring once again

**United Press International**  
WASHINGTON — A House subcommittee chairman is challenging a decision by Justice Department officials who overturned a recommendation for a perjury indictment against the EPA's former general counsel, sources said Tuesday.

Former general counsel Robert Perry was among nearly a dozen ousted Environmental Protection Agency officials cleared of criminal allegations by the Justice Department last year after lengthy FBI investigations stemming from a controversy that shook the agency.

In a report that cleared several of the EPA officials last August, the Justice Department said Perry gave "inconsistent" sworn testimony to Congress, but concluded there was insufficient evidence of willful deception to warrant a perjury prosecution.

Only Rita Lavelle, who headed EPA's hazardous waste cleanup unit, was prosecuted as a result of the scandal, prompting some House Democrats to accuse the Justice Department of a political whitewash.

Lavelle's firing in February 1983 triggered a stream of allegations that Reagan administration officials at the agency had cozy ties with industry, conflicts of interest and cut sweetheart deals with companies they were regulating. The revelations resulted in Anne Burford's resignation as EPA chief and the departure of 21 other political appointees.

Rep. John Dingell, D-Mich., chairman of the House Energy and Commerce subcommittee on oversight and investigation, challenged the department's handling of the Perry case in a March 7 letter to Associate Attorney General Lowell Jensen.

In the letter, first disclosed by The Washington Post, Dingell wrote that "a recommendation at the prosecutorial level to seek an indictment of Mr. Perry on certain matters under investigation was rejected by higher department officials."

A knowledgeable Justice Department source said that the decision not to seek an indictment of Perry was made by career department attorneys, not political appointees.

One source said prosecutors in the Justice Department's Public Integrity Section urged seeking an indictment against Perry.

A Justice Department source said the lawyers were overturned by a five-member review committee, including senior lawyers in the unit, who decided unanimously not to seek an indictment. The decision never reached the political level, the source asserted.

Dingell asked to see the department's records on the case, including a memo from the department's Office of Legal Counsel, headed by Theodore Olson, that he described as "critical of the decision not to proceed against Mr. Perry."

Department sources said the memo was written by Larry Sims, who was out of town and unavailable for comment.

The department had investigated two possibly false statements by Perry during his sworn testimony to Congress in December 1982 and on March 7, 1983. In the first instance, Perry said he was not familiar with "green books" containing derogatory comments about his staff. One witness before Dingell's panel testified that Perry had instructed a secretary to put his green book and "deduct points" from an employee with whom he was unhappy.

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**"Now honey, before you say anything, I want to tell you why I stood you up last night. You see, I'm in Alaska. Now I'm sure you're thinking—just what is an air conditioning salesman doing in Alaska in the dead of winter, so I'm going to tell you—honeybun, they are having one heck of a heat wave up here! You could fry eggs on these igloos, no kidding! So how could I stand idly by and let these poor perspiring Eskimos trade their muk-luks for bikinis?"**

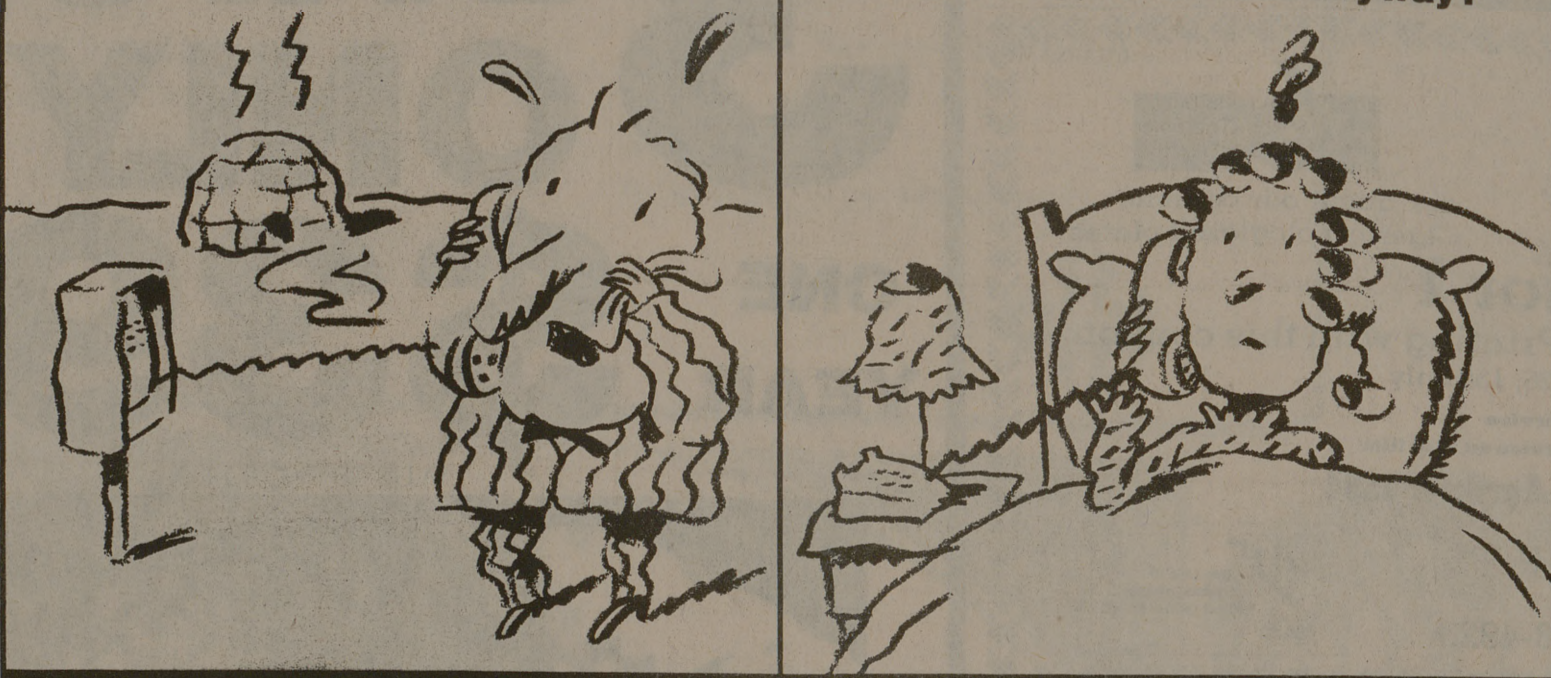
**"Sweetheart, forget the hurt, forget the 70 bucks you blew on the formal, just tell me you forgive me!"**

**"Earline, this is Dwayne!"**

**"Hello?"**

**"Roger, is that you?"**

**"Dwayne? I don't know any Dwayne! Say, who is this anyway?"**



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