

The pitfalls of Libel

Defamation is divided into two categories, libel and slander, to which different modes of procedure are given by the courts. As a general rule, libel is written defamation and slander is spoken. Some courts have expanded the definition of libel, making it include all defamation which offers a greater potentiality of harm than does slander. As a result, written materials, signs, cartoons, television, and even radio broadcasts which have been taped or presented from written script have been adjudged as libel.

Defamation has been defined as that which tends to diminish the esteem, respect, goodwill, or confidence in which a person is held or to incite adverse and derogatory feelings and opinions against him. A person may defame another either by outright expression or by insinuation or innuendo.

The first major question involved in a defamation case is whether the written or spoken words or signs are defamatory in the eyes of the law. Mere words of abuse and a certain amount of vulgar name-calling may be tolerated, but when only understood to amount to nothing serious. Objective standards by which the court determines what is and what is not defamatory usually must be determined from the circumstances surrounding the alleged violation. Generally, the judge determines whether the language is capable of bearing a defamatory meaning and the jury decides whether it was in fact defamatory, i.e., whether it was so understood.

In all action for libel and slander, the words alleged to be defamatory must be interpreted as such; they must be understood in the defamatory sense whether or not they are believed by the listeners or readers. If the defamatory meaning arises only from the facts not apparent upon the surface of the publication, the plaintiff must establish the defamatory with reference to facts. If the words are defamatory upon their face (such as naming the wrong person as a convicted criminal), this is defamatory per se and it does not require proof of the meaning gathered from surrounding events to be adjudged libelous. Such statements as "It is alleged," "It was reported," or "According to police" do not protect a reporter in making a libelous statement.

Formerly, all libel was actionable without proof of some injury or harm to person or property. Today, however, many jurisdictions treat libel like slander, in that they require proof of the damages incurred except in the following four cases:

- (1) the imputation of a serious crime involving moral turpitude,
- (2) the imputation that the party is infected with a contagious disease,
- (3) the imputation affecting the plaintiff in his business, trade, office or profession, and
- (4) the imputation reflecting upon the chastity of a woman.

The newspaper then, is not the only organ subject to libel and slander, any speaker or writer is, if he is within the above frameworks. When Dr. Lyons says, in his 33 page report to the board of trustees that, "It is alleged that the adviser to the paper has been busy mailing copies around the country to a widely distributed clientele and that he has PERSONALLY peddled copies of the paper on occasion to downtown businesses in Fayetteville," he is using the very defamation techniques with which he charges the student paper. He is himself, liable to libel and slander.

DON'T LET GREEN GRASS FOOL YOU!!!

Spring is here and the flowers are blooming, the birds are singing, and the sap is rising. For many years the winter had hid many secrets of many young ladies. The Spring brings about the pulling off of heavy coats, the wearing of less clothing, and the hassel of trying to find a cool spot.

Spring brings about the discovery of many pregnancies of many fine black college women. If you have not been caught up in this trap, BE CAREFUL. Let the green grass grow, don't use it for a back cushion. Brothers take care of your Fine Black Women.

Just a little bit

BLACK SISTERS YELLING RESPECT

Many of Fayetteville State University Black Women are complaining about the disrespect that their Black Brothers at Fayetteville State have for them.

Let's take the dining hall for an example: the sisters stand in line for an hour and the brothers come in a cutline, not one brother, several. The sister sits down to the table and every other word that comes from the Brother's mouth is that of profanity. The brothers see the sisters coming and they rush in so that they will not have to hold the door open for the sisters. No let's stop Sisters and think about the following three questions.

- (1) Do I respect my Brothers?
- (2) Do I carry myself in a manner that my Brothers will respect me?
- (3) Have I destroyed my image of a Black woman that deserves respect?

If the Black women at Fayetteville State University can answer these three questions yes, then wake up Black Brothers and respect your Black Women. How can you expect to be respected as a Black man if you can't respect your most precious gift, THE BLACK WOMAN.

BLACK LEADERS

By Bro. James M. Waters

Who is not aware of the fact that it is a long and continuous struggle! For hundreds of years, what the white man calls centuries, black people all over the world have struggled to take back from European (Whites) people their human rights given to them by the Creator, or if you prefer, evolution. The black people's struggle has exceeded all boundaries, and to stop now would be a sin and a crime.

Sometimes the people of a struggle have a tendency to let good leaders slip down the drain by failing to listen to them. Some leaders are not receptive to the people's ears until their death or assassination. Then the people discover that they just might have been "saying something." In a super-advanced and technological society, one is always busy "going places" or "doing things" that he may never have time to benefit from what a leader has to offer. In this "Pepsi Generation", we must stop for a minute, to listen and to think, to listen, and to think. I now call to your attention some of the black people's most brilliant and valiant leaders.

Marcus Garvey and Malcolm X, both Pan-Africanists, faithfully taught black people that the bulk of the solution to their problems lay in the heart of Africa and her people wherever they resided. Pan-Africanism teaches that all black (African) peoples should unify economically, politically, and socially. Marcus differed from Malcom by being more of a physical Pan-Africanist; he actually purchased a ship to take Blacks to Africa, while Malcolm

stressed the fact that Blacks should relate psychologically with Africa; he also taught the significance of using the self-defense instinct whenever it needed to be used.

Stokely Carmichael and Rap Brown also taught Blacks that they should defend themselves against the white oppressor. As the years and the form of the struggle change, so do leaders. While Rap Brown is in isolation and cannot speak to his people, Stokely Carmichael has told his people that munalism, which some persons confuse with Marxism because Marx took many ideas from the African communities.

Much criticism has been thrown at many black leaders by white people, and of course, the mass media. Some say that they have been co-opted; others say they have escaped the problem by leaving the country, failing to realize that in most instances, leaders are forced to leave. Tell me, if you are a drum major in a parade, and you step out to march but the rest of the band does not follow, are you going to march alone?

Martin Luther King, probably one of the humblest and most eloquent black leaders, struggled very diligently to free black people. Martin tried to "play" on the white man's conscience, but the white man's ears were too thick to hear black people say, "We shall overcome," and his eyes were too small to see that they were using non-violence that "he" authorized for an enslaved people. The white man simply ignored all religious feeling that King and his many attentive followers cherished, and his death meant very little to white minds.

African leaders, Patrice Lumumba of the Congo and Kwame Nkrumah of Ghana have also done excellent jobs of leading their sacred and humble people. The people of the Congo loved and followed Lumumba up to his death, which some people believe the C.I.A. is responsible for, and under the leadership of the philosophical Nkrumah, blacks of Ghana gained their over-due independence from Great Britain. Afterward, Kwame was exiled to Guinea.

With all of our black leaders being either in exile, in prison, or dead, leadership has now boiled down to the so-called legal and political arena. The thirteen aggressive and radical black Congressmen that now finally represent black people are certainly standing up for them. They have already stood up in Congress, the oppressor's formal place of fooling around, and denounced the racist American government.

Question. Who will take the weight next? Regardless of who does, Black people must put into reality the proverb, "Action, not words." Soon, the struggle will get so harsh that there will be no room for middle-of-the-roads. There are many ideologies and programs that exist for liberating and elevating the black man out of his present plights. Blacks must choose and apply the best and the safest one.

Black people must begin to decide....decidedecide or face, genocide... genocide.....genocide.....

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