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HANDLING INDICATOR

TO : DEPARTMENT OF STATE

1966 SEP 18 F

FROM : AMERICAN EMBASSY - RIO DE JANEIRO

SEP 16 1966
DATE: September 16, 1966SUBJECT: "Tribuna da Imprensa" Publisher Acquitted of Libel Charges
Brought by Foreign Minister

REF

A-163

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1. According to an article in Jornal do Brasil of September 2, 1966, Foreign Minister Juracy Magalhães recently sued Tribuna da Imprensa publisher and editor Helio Fernandes and columnist Pedro Barroso for libel on the grounds that they had said that Brazil was preparing to send troops to Vietnam. In his column of April 14 Helio Fernandes had claimed Juracy had "lied once again to public opinion in explaining Pio Correa's visit to the United States. In reality Pio Correa went to speak to Dean Rusk about sending Brazilian troops to Vietnam". The plaintiff stated that the defendants had offended his honor and that the report was false and intended to cause social alarm.

2. Judge Eliezer Rosa, who handled the case, acquitted the defendants, commenting on the privilege of journalists to criticize acts of public officials, provided the criticisms do not become personal insults. The case was thus summed up by the judge: "if Helio Fernandes had called Juracy Magalhães a liar, he would have committed a crime of injury. However, the defendant only attributed to the plaintiff the act of lying, which is not the same thing. It is not, the judge reflected, the same thing to attribute an act to someone as it is to attribute a quality" (i.e. liar).

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3. Comment: The Foreign Minister despises Tribuna da Imprensa and must have fumed on hearing the rather curious logic of the judge in acquitting the defendants. If nothing else, the decision will probably hasten the passage of Brazil's new press libel law (A-163).

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Clearances:

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Authority NND 53094