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Suit over letter to Citizen tossed by high court

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PHOENIX - People who feel threatened by a letter to the editor don't have the right to sue the newspaper that published it, the Arizona Supreme Court ruled Friday.

In a unanimous decision on a case involving the Tucson Citizen, the justices said a suggestion that U.S. citizens go out and kill local Muslims in response to the death of American soldiers in Iraq is "no doubt reprehensible." But they said the comments are covered by the broad protections of the First Amendment.

Friday's ruling overturns a decision last year by the state Court of Appeals to let two men sue the Tucson Citizen for the letter on grounds that it caused them emotional distress.

Friday's ruling is a significant victory for newspapers that had feared they could be held liable for publishing letters that readers consider threatening.

Justice Andrew Hurwitz, writing for the court, said the First Amendment allows lawsuits of this kind in only narrow circumstances, such as statements likely to "incite imminent lawless action" or when the comments are what the court considers "fighting words." He said the letter did not meet that test.

The Citizen published the letter nearly two years ago.

Citizen publisher Michael Chihak later apologized in print for publishing the letter.

That did not stop two members of the Muslim community from filing suit on behalf of themselves and others, charging the letter amounted to both assault and intentional infliction of emotional distress.

Judge Leslie Miller of Pima County Superior Court tossed the assault claim but allowed the second to proceed to trial.

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