



Gertz v. Robert Welch, Inc: The Story of a Landmark Libel Case

Mr. Elmer Gertz

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Gertz v. Robert Welch, Inc: The Story of a Landmark Libel Case Mr. Elmer Gertz

Elmer Gertz recalls his long battle in what legal scholars regard as the second most important libel case in legal history: *Gertz v. Robert Welch, Inc.*

Gertz's ordeal began in Chicago during the violent peace demonstrations of 1968. A youth, Ronald Nelson, was killed by a Chicago policeman, Richard Nuccio. Gertz represented the Nelson family in civil suits against Nuccio and the Chicago police department. After Nuccio was convicted of murder, the John Birch Society published an article in its journal, *American Opinion*, claiming that Nuccio was framed by Communists. Gertz was targeted as a prime Communist instigator. After reading and studying the article, Gertz filed suit against Robert Welch, Inc., charging that it had defamed him by publishing highly harmful lies impugning his reputation and patriotism.

Gertz writes in detail of his landmark case, which involved two trials, two reviews in the court of appeals, and two battles in the Supreme Court. Although the case was finally decided in April 1981, when a U.S. district court jury awarded him \$100,000 compensatory damages and \$300,000 punitive damages, Gertz did not receive payment until May 1983, after Robert Welch, Inc., had filed two unsuccessful appeals.

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