

Anti-Defamation League Suffers Major Legal Defeat

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Colorado Jury Orders Jewish Group to Pay \$10.5 Million for Defamatory Statements

In a legal decision rich with irony, a jury in a federal court case in Denver, Colorado, has found that the Anti-Defamation League (ADL), a powerful Jewish special interest group, had defamed a local couple. On April 28, 2000, the jurors awarded \$10.5 million in damages to William and Dorothy Quigley. This is the first court verdict ever against the influential 87-year-old organization. The award, a quarter of the ADL's \$45 million annual budget, was substantially more than the Quigleys had requested.

At a 1994 news conference, the ADL had accused the Quigleys, a couple in the Denver suburb of Evergreen, of perpetrating the worst anti-Semitic incident in the area in ten years. The ADL accused them of launching a campaign against their Jewish neighbors, Mitchell and Candace Aronson, to run them out of town and threatening to commit acts such as painting oven doors on their neighbors' home. Concluding a four week trial, the jury found that more than 40 statements by Saul F. Rosenthal, director of the ADL's Mountain States chapter, were defamatory and "not substantially true."

The Quigleys, who are Roman Catholic, and the Aronsons — neighbors on the same street two houses away — got along until the Aronsons' large dog allegedly attacked the Quigley's smaller dog. As the dispute escalated, Mitchell Aronson tuned in a police scanner to eavesdrop on private conversations by the Quigleys over their cordless telephone. The Aronsons' nearly 100 hours of recorded telephone conversations violated the amended federal wiretap law, which makes it illegal to record conversations on a cordless telephone, to transcribe the material, and to use the transcriptions for any purpose.

The Aronsons sought help from the ADL, whose local director publicly denounced the Quigleys as anti-Semites. Director Rosenthal illegally used the tapes to charge at a news conference in December 1994 that the Quigleys were engaged in "a vicious anti-Semitic campaign." He expanded on these charges later that same day in an interview on a Denver radio talk show.

No overt acts or physical actions followed any of the recorded conversations.

Acting on complaints from the Aronsons, the local District Attorney filed ethnic intimidation charges against the Quigleys. But the county prosecutor later dropped the charges and, in an open letter, apologized to the couple, saying he had found no evidence that either had engaged in "anti-Semitic conduct or harassment." The DA also paid the Quigleys \$75,000 as part of an out-of-court settlement.

Lawsuits by the Aronsons and the Quigleys against each other were eventually resolved, with no exchange of money.

In their lawsuit against the ADL and its local director, the Quigleys charged not only that the ADL had defamed them, but that the Jewish group was supportive of the illegal invasion of their privacy through its use of the improperly recorded telephone conversations.

During closing arguments, Quigley attorney Jay Horowitz said that while Dorothy Quigley had a "big mouth," and may have said things over the telephone that she later regretted, there is no evidence that the Quigleys were anti-Semites. When talking about damages suffered by the Quigleys, Horowitz noted that William Quigley, who was employed by United Artists theaters, was a marked man because of the ADL's public allegations of anti-Semitism. His income, Horowitz argued, was less than half of what it would have been.

The numerous damage awards include one million dollars in economic and non-economic damages for William Quigley and \$500,000 for Dorothy Quigley. The couple was also awarded more than \$8.7 million in punitive damages and other, lesser amounts.

The ADL is appealing the verdict, expressing confidence that the jury's award will be reduced, or even that the verdict will be thrown out altogether.

The Washington Jewish Week, a paper that serves the Jewish community of the nation's capital, commented with sympathetic concern in an editorial: "In a disturbing irony, the Jewish world's premier discrimination fighter, whose mission is 'to stop the defamation of the Jewish people and to secure justice and fair treatment for all people alike,' found itself convicted of defamation ... When does being in the forefront mean invading someone's personal privacy, and even violating the human dignity that ADL holds so dear?"

The Denver court's verdict shows that the sometimes seemingly invincible Jewish activist group is not invulnerable. Unlike prominent political and social figures, who are often beholden to special interest groups such as the ADL, independent-spirited citizens, acting as jurors, can sometimes still defy such powerful organizations.

The ADL's defeat in a Denver court was a consequence of its own arrogance in recklessly defaming the Quigleys. Such brazen contempt — not only for decency and common ethics, but even the law — is nothing new for the ADL. Similar arrogance was also manifest in the ADL's extensive spying operation, which was uncovered in 1993, and its decades of censorship and intimidation activities directed against libraries, book publishers, journalists and Internet service providers. (See *The Watchdogs: A Close Look at Anti-Racist 'Watchdog Groups'*, a well documented 102-page booklet by independent researcher Laird Wilcox [and available through the IHR].)

Although the ADL claims to fight discrimination and promote "fair treatment," for decades it has been a staunch defender of Israel and its well-entrenched policies of discrimination against non-Jews, and of the Zionist state's wars of aggression and numerous violations of international law. Similarly, in the United States the ADL upholds a double standard in ardently promoting Jewish ethnic-religious particularism while protesting comparable ethnic-racial particularism by non-Jews.

(Sources: "Charges of bigotry backfire," *The Denver Post*, April 29, 2000; M. Janofsky, "Privacy Rights Win Over Bias Charges in Defamation Case," *The New York Times*, May 13, 2000; "ADL won't be deterred by court defeat," JTA, *Washington Jewish Week*, May 18, 2000, p. 14; "Defaming Defamers," Editorial, *Washington Jewish Week*, May 16, 2000, p. 16; H. Berkowitz & A. Foxman, "ADL in Denver: setting the record straight," *Washington Jewish Week*, May 25, 2000, p. 18.)

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