

# McCann awarded \$750,000 in wrongful firing, libel suit

## Faculty members held responsible for defamation

By the STAR Staff

A federal jury awarded former University of Puerto Rico seismologist William McCann \$750,000 in damages Thursday in a wrongful dismissal and libel suit he filed against the UPR Mayaguez campus, its chancellor and five professors.

Also found at fault was the Puerto Rico Electric Power Authority and its Planning Director, Orlando Angleró, although PREPA Executive Director José del Valle was found blameless by a jury of seven men and one woman. The jury deliberated Wednesday night and most of Thursday.

In the complicated verdict, the jury found all the defendants except del Valle at fault for causing McCann \$605,000 in personal damages for infringement of his First Amendment rights to free expression, for violating his rights to due process of law and for libel and defamation in an open letter that was highly critical of him.

In addition, seven defendants were assessed punitive damages. Alan Smith, the head of the geology department was found liable for the payment of \$25,000; geology professors David Larue and Alejandro Soto were liable for \$25,000; professor James Joyce was assessed \$15,000; and professor Johannes Schellekens, \$10,000.

Alejandro Ruiz Acevedo, who was the dean of arts and sciences at the time McCann was dismissed and is



William McCann

now the campus chancellor, was found liable for \$20,000. Angleró was found liable for \$25,000.

McCann's attorneys, Judith Berkan and Federico Lora López, said that what remains to be settled is whether presiding U.S. District Court Judge Jaime Pieras orders McCann reinstated as seismologist.

"The judge could order a hearing on the issue or decide that the trial testimony gave him all the information he needs to come to a decision. That is something that is going to have to be determined later," Berkan said.

McCann, who holds a doctorate in seismology from Columbia University, said his return may cause a problem because the university has room for only one seismologist.

"But I do want to go back," he said.

He said the verdict was vindication for the two years of agony he and his wife had gone through since Oct. 6, 1989, when he criticized on a radio program plans by the Congentrix Corp. to build a coal burning power plant in Mayaguez.

He said it was a mistake to build the plant where proposed because it would go up over a seismic fault and be subject to severe damage in an earthquake.

The remarks he made on the radio program were picked up and published in newspapers in San Juan.

In ruling for McCann, the jury found that PREPA favored construction of the Cogentrix plant and put pressure on the university to muzzle and take disciplinary action against McCann. On Jan. 23, 1990, the chairman of the geology department and four defendant faculty members signed an open letter charging McCann with being an incompetent phony who provoked fear with his wild charges.

Some of the faculty members had consulting contracts with PREPA and others with Congentrix. As a result of their acts against him, said the suit, he was dismissed as director of the Seismic Institute, denied tenure at the university and subsequently fired.

Berkan said the judgment should send a message to the government not to trample with rights of its employees.

Rubén Nigaglioni, who defended the university and the related defendants, said as of now, the professors would have to pay the judgment. The university, he said, has an insurance policy that protects it and its top officials from such judgments, but not the faculty.