

# Court Cases

- NY Times V. Sullivan (1964) – public officials must prove “actual malice” in libel cases.
- **Actual malice** is with knowledge that it was false or with reckless disregard of whether it was false or not.
- Some states have expanded to include “**negligence test.**” Whether a reasonable person would have done the same as the publisher. NY courts follow a “**gross negligence test**” – when it is a matter of public interest.

# General purpose public figure



An individual who has assumed a role of special prominence in the affairs of a society and occupies a position of persuasive power and influence

<http://www.citmedialaw.org/legal-guide/proving-fault-actual-malice-and-negligence>

# Limited purpose public figure

A person who has thrust himself into the vortex of a public controversy in an attempt to influence the resolution of the controversy (i.e. scientist, coach, etc.)

\*\*\*Can be involuntary (i.e. high profile investigations, etc.)

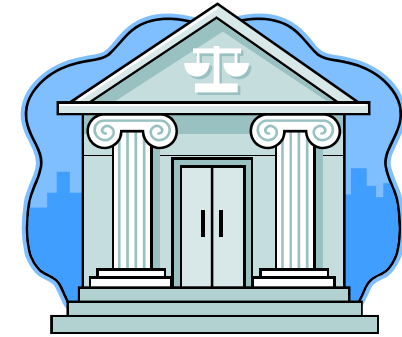
# Public Official

Generally the same rules apply as public figures – usually because of their job – elected or appointed and have substantial control over public and government affairs (i.e. governor, mayor, president, etc.)





# Court Cases



- **1964 – NY Times v. Sullivan** – public figures must prove “actual malice”
- **1969 – Tinker v. Des Moines** – black armbands, student rights
- **1980 – Richmond Newspapers v. Virginia** – courts open to media
- **1988 – Hazelwood v. Kuhlmeir** – prior review in schools
- **2006 – Morse v. Frederick** – “Bong hits 4 Jesus” – school’s mission

# Freedom of Information Act (FOIA)- 1966

This allows citizens to request records from the executive branch of government; expanded in 1996 to include electronic format

# Missouri Sunshine Law

This states that all meetings open to public are placed in a reasonable setting; closed meeting information disseminated within 72 hours

# Invasion of Privacy

- Celebrities are not protected in most situations, since they have voluntarily placed themselves already within the public eye, and their activities are considered newsworthy.
- However, an otherwise non-public individual has a right to privacy from:
  - a) intrusion on one's solitude or into one's private affairs**
  - b) public disclosure of embarrassing private information**
  - c) publicity which puts him/her in a false light to the public**
  - d) appropriation of one's name or picture for personal or commercial advantage.**