

Basic Terms regarding Libel

Defamation - making a false statement of fact that injures someone's reputation, includes both libel and slander.

Slander - spreading a falsehood that harms another person through strictly oral means, e.g. gossip. May be punished as a form of defamation, but less serious than libel.

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Libel - the publication or broadcasting of a falsehood that harms another person. More serious than slander because of capacity for broader distribution.

Civil libel - laws permitting private action demanding compensation for harm suffered as a result of libel. Must show not only falsity of statements, but also measurable harm as result.

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Criminal libel - law which provides for criminal sanctions for individuals engaging in libelous activity. Currently on books in 17 states, including Utah, but very rarely used.

New York Times v. Sullivan (1964)

- **Conveyed political opinion**
- **Alleged civil rights violations**
- **Solicited funds for the cause**
- **Advertisers made errors, not paper**
- **“Libel” concerned public official**

New York Times v. Sullivan

- **Public official must show that defendant published the defamatory falsehood with actual knowledge of its falsity or with reckless disregard as to its truth or falsity. Reverses common law rule that publisher must prove truth**
- **Must to prove this standard with “convincing clarity,” or clear and convincing evidence.**

Time Inc. v. Hill (1967)

Life Magazine (Time, Inc.) published a photo essay which the Hill family found to be a violation of their privacy and sued Time. The Hill family had been victims of a famous criminal incident.

The victorious attorney for Time, Inc. was Richard M. Nixon, Esq., the only 20th century President to argue (and win) a Supreme Court case.

Time Inc. v. Hill (1967)

By a 5-4 vote, the Court extended the application of the actual malice rule to actions alleging that a plaintiff's privacy had been invaded by “false reports of matters of public interest.” Thus, “public figures” were added to public officials under the actual malice rule.

Jerry Falwell talks about his first time.*



FALWELL: My first time was in an outhouse outside Lynchburg, Virginia.

INTERVIEWER: Wasn't it a little cramped?

FALWELL: Not after I kicked the goat out.

INTERVIEWER: I see. You must tell me all about it.

FALWELL: I never really expected to make it with Mom, but then after she showed all the other guys in town such a good time, I figured, "What the hell!"

Campari, like all liquor, was made to risk you up. It's a light, 48-proof, refreshing spirit, just mild enough to make you drink too much before you know you're schnockered. For your first time, mix it with orange juice. Or maybe some white wine. Then you won't remember anything the next morning. Campari. The mixable that smarts.

INTERVIEWER: But your mom? Isn't that a bit odd?

FALWELL: I don't think so. Locks don't mean that much to me in a woman.

INTERVIEWER: Go on.

FALWELL: Well, we were drunk off our God-fearing asses on Campari, ginger ale and soda—that's called a Fire and Brimstone—at the time. And Mom looked better than a Baptist whore with a

\$100 donation.

INTERVIEWER: Campari in the crapper with Mom... how interesting. Well, how was it?

FALWELL: The Campari was great, but Mom passed out before I could come.

INTERVIEWER: Did you ever try it again?

FALWELL: Sure...

lots of times. But not in the outhouse. Between Mom and the shit, the flies were too much to bear.

INTERVIEWER: We meant the Campari.

FALWELL: Oh, yeah. I always get sloshed before I go out to the pulpit. You don't think I could lay down all that bullshit sober, do you?

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