

Libel

Terms:

Defamation

Slander

Civil Libel

Criminal Libel

Actual malice

Reckless Disregard

Public Official

Public Figure

Emotional Distress

Assigned Cases:

New York Times v. Sullivan; *Gertz v. Robert Welch, Inc*; *Masson v. The New Yorker*; *Flynt v. Falwell*; *Red Lion v. FCC*

Questions for Reading Assigned Cases:

In *New York Times v. Sullivan*, the Supreme Court found that public officials had to demonstrate actual malice or reckless disregard of the truth to recover damages for harm to their reputation. What were the arguments that the Court used to justify this new standard? Is it a fair one?

Gertz v. Robert Welch, Inc and *Flynt v. Falwell* both involve questions around who is a public figure and the extent to which such a status might protect one from attack in the media. How differently should we treat public figures from public officials? And is there a line between fair and unfair representations, even when the individual is clearly a public figure?

Red Lion v. FCC is not technically a libel case, but could be seen as a way to deter defamation. How much would the reinstatement of the “fairness doctrine” deter defamation today? Is it as relevant today as it was before it was removed from the law?

Additional Cases:

See sheet on Web Resources page entitled “Libel Doctrines”