

Libel

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Libel

“Sticks and stones can break your bones, but words can never hurt you.”

Ah, if only.....

Libel:

An Oversimplified Definition

Publication of a false statement of fact that seriously harms someone's reputation

Libel: Publication of a false
statement of fact that
seriously harms someone's
reputation

Publication: broadly defined

- Articles
- Headlines
- Photo captions
- Blogs
- Ads
- Cartoons
- Guest columns, letters to the editor,* quotes
- Promotional material

*Distinguish from reader comments on web page

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Truth:

An Absolute Defense

The Catch:

Knowing something is true and
proving it's true can be two
different things

It's the

'GIST'*

that matters

*the essential fact communicated

“ . . . [L]iterally true statements can be defamatory where they create a false impression.”

-Jews for Jesus, Inc. v. Rapp, Florida Supreme Court (2006)

In 1988, while still on probation and before his conviction was reversed, Anderson shot and killed his wife, Ira Anderson, with a 12-gauge shotgun.

The death occurred in Dixie County just north of Suwannee where days before the shooting Joe Anderson had filed for divorce but then had the case dismissed.

Law enforcement officials determined the shooting was a hunting accident.

A federal judge ruled that by having the shotgun, Anderson violated his probation, and the judge added two years to Anderson's probation.

Capt. Bab Stanley of the Florida Game and Fresh Water Fish Commission, was one of the officials who went to the scene of the shooting.

Anderson said that he and his wife were deer hunting when she walked one way down a road and he walked the other way, Stanley recalls. A deer ran between them and Joe Anderson fired twice. One shot hit the deer, the other hit his wife.

“One buckshot pellet hit her under the arm and went through her heart,” Stanley said.

When investigators arrived on the scene, he said, they found that the other people in the hunting party had taken the deer back to the hunt club and were cleaning it.

“You have to understand, it's Dixie County,” he said. “Back then, they shut down the schools for the first week of hunting season.”

He said that Anderson had stayed behind at the shooting scene, and he described Anderson as looking “visibly upset” after the shooting.

Hyperbole

- A statement so outrageous no reasonable reader would believe it is true
 - E.g. Rev. Jerry Falwell’s “first time” was with his mother in a drunken orgy in an outhouse.
 - » *Hustler v. Falwell*

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Opinion

- “Bill Clinton was the worst president in United States history.”
 - So subjective it cannot be proved true or false.
- Photo caption: “Welcome to Our Hillbilly Hellhole.”
 - complete fact basis for opinion revealed in photo.

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Red Flag Statements

- Accusations of illegal conduct or involvement with criminal justice system
- Sexual misconduct
- Associated with “loathsome diseases”
- Lying
- Unfit for business
- Academic problems
- Racial/religious/ethnic bigotry
- Financial instability; lack of creditworthiness

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Fault Required

The First Amendment requires that in order for media defendants to be held responsible for libel, the person suing must show — at a minimum — that the reporter/editor acted unreasonably

The Lesson:

If you always do what a reasonable reporter should do (and don't do what a reasonable reporter wouldn't do), you will never be *successfully* sued for libel

Acting Reasonably

- Use trustworthy sources — in quality and number
 - Evaluate your sources
 - Do not overstate or have blind faith in their credibility
- Take accurate notes (kept or destroyed on a consistent basis)
- Documents, documents, documents
- Report — don't "sell"
- Talk to all sides — including the subject
- Be open-minded
- Do the work required — or don't do the story
- Be rigorous in your choice of language
- Never publish a story if **you** doubt its truth