

Marianne DeMarco

COMM 650

Assignment Two

## NY Times vs. Sullivan case

Lithwick, D. (2007, July 17). *Target Practice: Justice Scalia sets his sights on New York Times Co. v. Sullivan*. Retrieved September 29, 2008, from Slate:

<http://www.slate.com/id/2170309/fr/flyout>

About Slate: *Slate* is a daily magazine on the Web. Founded in 1996, we are a general-interest publication offering analysis and commentary about politics, news, and culture. *Slate's* strong editorial voice and witty take on current events have been recognized with [numerous awards](#), including the National Magazine Award for General Excellence Online. The site, which is owned by The Washington Post Company, does not charge for access and is supported by advertising revenues.

I felt that this article was interesting because Justice Scalia actually disagrees and criticizes the decision. However, I will still try to prove from this article the definition form that text which states:

*To be actionable defamation*

- the words must actually damage a reputation
- There must be proof offered that the individual's reputation was harmed
- The plaintiff must bring evidence that the communication lowered his/her reputation in the community

*New York Times vs. Sullivan* was a 1964 court decision that set First Amendment precedent for protecting the publication of material about public officials. The article discusses how Justice Scalia goes on record stating that given the chance that he would in

fact choose to overturn. This just confirms the fact that is so difficult even for a Supreme Court Justice to determine malice or defamation. In this case specifically, Commissioner Sullivan was not specifically named in the advertisement. However, he argued that his reputation as Police Commissioner was harmed. The Times did eventually print a retraction; however was it in enough time that Sullivan's reputation was lower in the community. Both of these things are extremely hard to prove.

With that being said, one of the more interesting things that the article points out is that "even false statements are famously protected unless they're made with "actual malice." In this case as well as other proving actual malice will remain just as difficult as it was in this groundbreaking case back in 1964.

## References

Lithwick, D. (2007, July 17). *Target Practice: Justice Scalia sets his sights on New York Times Co. v. Sullivan*. Retrieved September 29, 2008, from Slate:

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Pember, D. R., & Calvert, C. (2008). *Mass Media Law*. New York: McGraw-Hill.