

Example 2: Full credit for assignment

This is from late in the semester. Again, this student shows a grasp of the concepts and is able to apply those concepts to a hypothetical example.

Assignment: Watch the video and complete the readings about libel. Then complete this. These two statements appear in a news story. Fully discuss which elements in both sentences may or may not be libelous.

Gov. Sam Brownback, a known shoplifter, has turned out to be the worst governor in Kansas history.

Gov. Joan Finney, who served from 1990 to 1994, was a notorious alcoholic.

Student response

1: First, we need attribution on the claim that Brownback is a shoplifter. If we can't back this claim up with facts, such as Brownback having a criminal record that includes shoplifting, this statement is libelous, as it could damage the governor's reputation. Second, the "worst governor in Kansas history" bit is subjective, and, therefore, does not belong in a news story. I would simply remove it.

2: Can we prove that Finney was an alcoholic? We can't realistically know this; an official diagnosis would be private information, which is dicey legal territory in its own right, and anecdotes from people who know the governor aren't solid proof and, as such, won't help us in a libel suit. Even if we somehow managed to get this information through legitimate channels and attribute it, the word "notorious" could still get us in trouble, as it makes a judgment and its connotations reflect poorly on Finney.