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Idaho Common Sense™



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What is public and what is private?

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Does the public have a right to know everything? Does freedom of the press have any limits? Is anything private? Is everything fair game? How might Tiger Woods answer these questions? "Yes, no, no, yes." Moreover, these questions have little to do with any claimed right to privacy, and all to do with the Constitution.

As it turns out, most anything the media reports is constitutionally protected by "freedom of speech" and "freedom of the press." You would assume this scrutiny is reserved for a public figure, whatever that is. But public figure is a legal term used when suing for defamation of character. Moreover, if the court decides you are a "public figure," proving defamation is not enough, you must also prove the media acted with "reckless disregard for the truth," acted with malice.

Adding more difficulty, defining a public figure has grown far beyond politicians and celebrities. It also includes "limited public figures," people who might voluntarily become publically involved in an issue. And as long as the media reports focus on their involvement with that issue, that person is a public figure.

Further, you can also become an "involuntary public figure," resulting from publicity, even if unwanted and uninvited. Probably one of the saddest and most famous was Richard Jewell, who hit the media spotlight first because of the lives he saved during the Atlanta Olympic Park bombing in 1996. He then

quickly became known by the newly popularized term, "person of interest," a thinly veiled suggestion that he may have planted the bomb.

For 88 days, the media turned his life inside out. He sued several news agencies, three settling out of court. But the Atlanta Journal-Constitution newspaper fought and won because Richard Jewell was a public figure and they did not report with malice.

With this history, Tiger Woods has little prospect of maintaining any privacy. And as long as the media does not show any "reckless disregard for the truth," most anything goes.

But in defense of the media, it is a tremendous benefit to the people, a part of the checks-and-balances to government, and rightly so. The press was considered so important to the Founding Fathers that Thomas Jefferson said, "Were it left to me to decide whether we should have a government without newspapers, or newspapers without a government, I should not hesitate a moment to prefer the latter."

The press is vital to our freedoms, but why is the implosion of Tiger Woods' life worthy of front-page coverage? Have you ever seen a full-page article on Mr. Woods' charitable work? Did you know he has a foundation working with inner city children? Did you know a sponsor learned that part of the agreement to get his endorsement was a contribution to that foundation? Why are these wonderful activities not as

newsworthy as his supposed extramarital affairs?

Has the media started treating us, the people, the way it treats the government, a sort of checks-and-balances on society? You might assume news includes the good and bad of life. Does it? Moreover, whose fault is it? Is it the media or the consumer that thrives on bad news, on gossip masquerading as news? Would we be riveted to non-stop television coverage of Mr. Woods' charitable work the way we are his personal problems?

Yes, he may deserve all that is going wrong in his life; he may have done all that we hear. But when is enough enough?

The differences between mainstream media and tabloid media used to be clear. But that line has all but blurred into oblivion. Does the mainstream media research and investigate something wonderful about someone with the same attention used to catch them, to bring them down?

The public's right to know? Guess what? I just heard on Fox News that a fourth woman has come forward to discuss a claimed affair with Mr. Woods. Won't that be a great interview? I can't wait to see it. I wonder how much more money he will offer to pay his wife for this one. Oops, what was I writing about?

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