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When: Homecoming Weekend - October 16, 2004, 8:30 a.m.

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 Finish: University of Oregon School of Law

Prizes: Awards for the first male, female and masters winners; ribbons to 3-deep age division winners. Random prize drawings!

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Conference commemorates Freedom of Press milestone

Forty years ago today, *The New York Times v. Sullivan* decision defined the modern perception of libel

BY MORIAH BALINGIT
 NEWS REPORTER

It was a decision that would change journalism, from campus papers to network news. The implications of the Supreme Court decision in *New York Times v. Sullivan* created the modern definition of "freedom of the press," raising the burden of proof that must be established to convict a publication of libel.

Today, the School of Journalism and Communication and the School of Law will recognize the 40th anniversary of the decision, as well as its impact on the media, with a conference titled "New York Times v. Sullivan: Forty Years After." The conference runs from 8:30 a.m. to 4:30 p.m. at the Knight Law Center and is free for students and faculty and \$20 for community members.

The history behind *New York Times v. Sullivan* begins with a full-page advertisement in the *New York Times*, which alleged that Rev. Martin Luther King Jr.'s arrest in Montgomery, Ala., was part of a plot to deter King's campaign from encouraging blacks to vote and to integrate segregated public facilities. Because the advertisement contained factual errors, Montgomery's city commissioner, L.B. Sullivan, filed a suit for libel and won \$500,000, claiming that he had been defamed by the advertisement.

The case was appealed all the way to the Supreme Court. The legal question raised was whether public officials had to prove that they were personally harmed by publications they allege to be libelous. In the end, the case was overturned, and it was determined that for a

public official or a public figure to claim libel, they had to prove that the allegedly libelous material was created with actual malice, that is, intent to harm.

"The good news is that it provides protection for journalists," said SOJC Dean Timothy Gleason. "The bad news is that it allows judges and juries

to intrude into newsrooms, and that has a potentially chilling effect." Gleason will participate in a panel discussion exploring how the decision has affected newsrooms. Appellate Judge Gilbert S. Merritt of Nashville, Tenn., will deliver the keynote address, titled "Government Has Not Ended Controls on Free Speech," at the conference. Merritt, who is one of 13 experts chosen to help rebuild Iraq's judicial system, has publicly criticized the Coalition Provisional Authority for its issuing of gag orders.

Other participants include Oregonian Editor Sandra Mims Rowe, Washington Post Associate Editor and Columnist David Ignatius, LA Times Deputy General Counsel and Vice Pres-

ident Karlene Goller and Register-Guard Managing Editor Dave Baker. Political Science Associate Professor Julie Novkov, who will moderate a panel discussion, explained the significance of the case today.

"Basically, if the press is not protected ... then it's difficult for the media to act as independent sources of information and verifiers of information given to us by the government," she said.

Law Professor Garrett Epps said the decision, even 40 years after the fact, remains extremely relevant to modern journalists.

"This is not legal history. *New York Times v. Sullivan* is the daily stock and trade of every working journalist," he said. Epps himself benefited from the protections afforded by the Sullivan decision. When he started a paper in Richmond, Va., he said he encountered abrasive public officials that made his job difficult.

Supreme Court Justice William Brennan Jr. wrote the majority opinion for the case, and his words remain nearly immortalized.

"Thus, we consider this case against the background of a profound national commitment to the principle that debate on public issues should be uninhibited, robust, and wide-open, and that it may well include vehement, caustic, and sometimes unpleasantly sharp attacks on government and public officials," he said.

Source: oyez.org
 moriahbalingit@dailyemerald.com

IN BRIEF

Ralph Nader to tout "Crashing the Party"

Independent presidential candidate Ralph Nader will make a campaign stop in Eugene on Sunday to promote himself as a viable alternative to presidential front-runners George W. Bush and Sen. John Kerry.

Although Nader will not appear on

the Oregon state ballot this November, he is still eligible as a write-in candidate. On Sept. 28, the U.S. Supreme Court denied Nader's appeal of a controversial Sept. 22 Oregon Supreme Court ruling that prevented him from appearing on the state ballot.

In September, the state court had ruled that Secretary of State Bill Bradbury was within the law when he invalidated about 3,000 of the nearly 18,000 signatures Nader supporters

had gathered, leaving them just shy of the 15,306 needed to assure him a spot on the ballot.

The speech will begin at 8 p.m. and will be held at the McDonald Theatre Downtown, located at 1010 Willamette St. A \$10 donation for general admission and a \$5 donation for students is suggested.

The speech will be followed by a book signing for Nader's new book, "Crashing the Party."

— Parker Howell

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