

PRESS & TELEVISION

sketches were often 'disgusting,'" explained the accompanying commentary in Douglas Jerrold's *Illuminated Magazine*, "but for that very reason the cause, not the sketches, should be removed." *Punch* responded by printing a cartoon in which impoverished miners were surrounded by scenes of luxury. The *Illustrated London News*, however, maintained its "tasteful neutrality above the grubby, strife-torn world" and refused to print the pictures.

Although conditions in England merited solid social commentary, Fox writes, the rise of the illustrated periodical, then as later, did not necessarily bring serious reporting. Illustration was usually used to promote narrow religious or partisan causes; by appealing to the already converted, such magazines won only limited influence. Only the combination of a resourceful editor and a sizable readership enabled periodicals like *Punch* and Jerrold's *Illuminated Magazine* to take a serious look at the "condition of England."

Public Figures, Private Rights

"The Demise of the Public Figure Doctrine" by John J. Watkins, in *Journal of Communication* (Summer 1977), P.O. Box 13358, Philadelphia, Pa. 19101.

Since its celebrated 1964 decision in *New York Times Co. v. Sullivan*, the U.S. Supreme Court has sought to reconcile First Amendment guarantees of freedom of the press with the individual's right to freedom from defamation. *New York Times* stated that "public officials" claiming to have been libeled in the press must prove "reckless disregard of truth" or "knowledge of falsity" on the part of the publisher to recover damages. The doctrine was extended to public figures in 1967, and in 1972 to the private individual in cases involving the public interest—the "involuntary public figure."

But in recent years, writes Watkins, a 5th Circuit Court of Appeals law clerk, the Supreme Court has chipped away at the "public figure doctrine" by defining narrowly what is meant by "public figure." In the landmark 1974 case, *Gertz v. Robert Welch, Inc.*, the Court ruled that Elmer Gertz, civil-rights activist, prolific legal writer, and frequent subject of newspaper articles, was not a public figure. Two years later, it held that Mary Alice Firestone, former wife of the tire heir and a socialite who actively sought publicity, was also not a public figure. In four subsequent cases, courts have ruled on the "public" or "private" status of individuals, but in none of these cases have the courts established precisely what is meant by "public" or "private."

Without guidelines to help editors and newsmen determine an individual's status, defining the term "public figure," one judge noted, is like "trying to nail a jellyfish to the wall." The present system of libel law, Watkins contends, "savages" the First Amendment and could lead to "crippling press self-censorship."