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LETTER REPORT

AN ANALYSIS OF THE POTENTIAL LEGAL CONSTRAINTS
ON PROPOSED PROGRAMS INVOLVING
MEDIA REPORTING OF LAW-ENFORCEMENT ACTIVITIES
AND TRAFFIC CRASHES

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Prepared for
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1.0 INTRODUCTION

This is a letter report concerned with the law-based constraints that can arise in conjunction with the implementation of highway crash countermeasures. It is specifically concerned with programs aimed at enlisting the assistance of the news media and private safety organizations in giving coordinated publicity to traffic accidents, traffic violations, and actual or planned police efforts at traffic-law enforcement.

The research and analysis leading to the preparation of this letter report were conducted by staff of the Policy Analysis Division of The University of Michigan Highway Safety Research Institute (HSRI) for the National Highway Traffic Safety Administration (NHTSA) under Contract Number DOT-HS-7-01536.

1.1 Purpose of Letter Report

Many of the legal issues that might constrain the implementation of media reporting programs as well as other countermeasure programs have their roots in basic aspects of the American legal system, and involve complex issues of U.S. constitutional law and U.S. Supreme Court interpretations of that law. Thus, any discussion of legal issues and the potential constraints that they pose must deal with the constitutional principles governing the subject. However, to treat the material in a rigorous legal manner would be beyond the scope of this letter report. It is not designed to provide legal advice. Rather, it is designed for use by public safety officials and highway safety planners as a guide that will permit them to identify problem areas in countermeasure program implementation for discussion with their legal counsel.

Within this context, the purpose of this letter report is to provide a brief but relatively comprehensive review of the law-based constraints that might be encountered in the implementation of media-reporting programs. It is designed to identify critical legal constraints, show how they might arise in the context of a set of operating scenarios, estimate

their significance as constraints on media-reporting programs, suggest methods that might be employed to resolve those constraints, and provide insights into the legal feasibility of these programs.

1.2 Purpose of the Media Reporting Countermeasure

News media is a term embracing radio and television, as well as local newspapers. That term, as used in this letter report, also includes such publications as news letters published by safety councils, auto clubs, and similar organizations. At present, news media cover highway safety issues in sporadic rather than systematic fashion. Choices of which stories to cover, what to stress in the stories covered, and where those stories are positioned in the day's news coverage appear to be governed mainly by considerations of audience appeal. Such stories generally focus on the more sensational aspects of highway safety, such as the number and severity of personal injuries or the amount of property damage. Automobile crash reporting rarely covers accident causation, except to mention such generalities as "wet road" or "excessive speed" (Dudley-Anderson-Yutzy 1969, pp. 62-68). Only in the most catastrophic accidents--those involving multiple deaths, a prominent citizen, or destruction of a family unit--is a reporter assigned to the story, and even then reporters are usually sent to the police station or the hospital rather than to the crash scene. More in-depth treatment occurs primarily when media attention is directed to a crash by the police, the prosecutor, or the courts (Dudley-Anderson-Yutzy 1969, pp. 73-74).

The media-reporting countermeasure program is designed to reorient highway safety coverage toward accident prevention by emphasizing the factors that cause accidents. In addition, by publicizing the gross number of arrests and convictions for moving violations, this countermeasure aims to stimulate public awareness of the dimensions of this problem.

1.3 Media-Reporting Implementation Scenarios

Four possible scenarios for implementation of the media reporting countermeasure have been suggested:

- First, law-enforcement authorities or private safety

organizations regularly collect and distribute aggregate traffic-crash data (such as the gross number of crashes, citations, or convictions) to the media, which in turn disseminate them;

- Second, courts or law-enforcement authorities regularly supply copies of police bookings, arraignment dockets, and lists of convictions or sentences to the media, which in turn disseminate them;
- Third, public or private safety organizations organize and offer educational programs for the media designed to improve their coverage of highway safety issues by focusing reporting on accident causation; and
- Fourth, news media disseminate, in the course of their regular reporting, news stories and photographs dealing with traffic-law violations, crashes, or both.

It is assumed that media participation in the program takes place on a voluntary basis; therefore, the third scenario dealing with educational programs will encounter no significant law-based constraints.

1.4 Content of Letter Report

The remainder of this letter report is organized into three sections. Section 2.0 identifies and discusses the legal issues that can arise in the implementation of officially organized efforts to report on traffic-law enforcement activity and traffic crash causation, discusses the law-based constraints arising from the issues, and assesses the significance of those constraints. Section 3.0 discusses approaches that can be employed to resolve law-based constraints identified as significant. Section 4.0 assesses the general feasibility of media-reporting programs in light of the identified constraints, and makes recommendations regarding their employment.

2.0 IDENTIFICATION AND DISCUSSION OF THE LEGAL ISSUES AND POTENTIAL LAW-BASED CONSTRAINTS ASSOCIATED WITH MEDIA-REPORTING PROGRAMS

Section 1.3 of this letter report set out several possible scenarios for implementing the media-reporting countermeasure. Thus, some media reporting programs may involve the presentation of aggregate or statistical crash, arrest, and conviction data. Others, however, will involve the publication or broadcast of information--including photographs--connecting individuals with crash involvement or traffic-law violations. When specific individuals are identified by media reports, circulation of those reports gives rise to two potential legal issues: defamation and invasion of privacy. In addition, when officially-maintained records are used in media-reporting programs, potential legal issues are raised with respect to legislation restricting access to and use of those records.

2.1 Defamation

A news report that identifies an individual as a traffic-law violator is potentially damaging to the alleged violator's reputation. This is especially true where the violation is a serious crime, such as leaving the scene of a traffic crash, driving while intoxicated (DWI), or reckless driving.

An untrue media report that results in damage to reputation could provide the basis for an action of defamation against the medium. An individual who alleges that he was defamed by a media report must, to recover damages, prove that the report held him up to contempt, ridicule, or hatred; that person also must prove that it was "published," that is, communicated to third parties (Prosser 1971, pp. 738-44, 766-71). Even more important, the report must be untrue or else a defamation suit will not succeed; this is because truth is, in most states, an absolute defense to liability for defamation (Prosser 1971, pp. 796-99). Finally, as a

practical matter, allegations of such minor offenses as speeding, turning and right-of-way violations, are unlikely to cause great damage to a person's reputation. Therefore, unless a news medium broadcasts or publishes an untrue report alleging that an individual had committed a serious offense, a defamation action is not likely to occur.

The effect of the First Amendment guarantee of press freedom also must be considered (1). This guarantee has been held by the U.S. Supreme Court to take precedence over the ordinary rules of defamation, since exposing the news media to defamation actions under traditional rules could discourage them from reporting on matters of public interest (2). This is in contrast to the case in which a private individual, as opposed to a publisher or broadcaster, is sued for defamation. There, liability is said to be strict; that is, it is irrelevant whether the defendant was careful or acted in good faith. For a news medium to be liable for defamation, strict liability cannot be imposed; rather, some sort of fault must be established (3). Two separate protections are applied to the media, depending primarily on the status of the person claiming to be defamed.

The first--and greatest--protection is afforded the news media in cases where the person claiming to be defamed is a public official or a "public figure" (4). These persons must, to recover in a defamation action, establish that the newspaper or broadcaster acted with "malice," which means that the medium either knew the report was false or acted with "reckless disregard" of whether it was false (5). "Reckless disregard" exists when the medium had serious editorial reservations as to whether the report was true and, in spite of that, failed to verify it before publication (6).

Where the individual who claims to have been defamed is a private person rather than a public figure, a second, lesser form of protection is afforded the media. As pointed out earlier, the Supreme Court has held that the states may fashion their own rules regarding media defamation of private individuals, so long as they are not based on strict liability, that is, liability without fault. In practice, this means that a medium must be shown to have been negligent, that is, it failed to exercise the

degree of care that a reasonable person would have used under the circumstances (Prosser 1971, pp. 149-57).

It will sometimes happen that a public figure or official will be named in a media report. However, most media reports will concern private persons (7), and therefore, the simple negligence test will apply. There is one exception to the "private person" standard, namely, where the offense involved is so "newsworthy" in its own right that the person alleged to have committed it is considered a public figure (8). The application of this exception to media-reporting programs is quite limited: those crimes that have been considered newsworthy in their own right are generally very serious ones; therefore, with the exception of such offenses as negligent homicide and leaving the scene of a traffic crash, traffic offenses would not by themselves confer upon alleged offenders the status of "public figure."

Therefore, media reports of traffic offenses will for the most part be governed by a negligence standard; under this standard, news media could be held liable for failing to exercise proper care in their publication or broadcast of untrue reports identifying drivers or traffic-law violators. What actions constitute negligence on the part of a news medium, as well as the likelihood and extent of a medium's potential liability, will be discussed further in Section 3.1 of this letter report.

Additionally, where private individuals participating in media-reporting programs identify specific individuals in their reports, they could be held liable for disseminating defamatory information. Because the liability of private persons is strict, liability is possible even in cases where reasonable care was exercised. However, as stated earlier, it is likely that private parties participating in this countermeasure would disseminate aggregate, not individual data.

Methods by which liability for defamation can be avoided will be discussed in Section 3.1 of this report.

2.2 Invasion of Privacy

The concepts underlying invasion of privacy are similar to those underlying defamation; both are concerned with protecting the reputation

and mental well-being of individuals. However, in a sense, privacy protection is broader than that afforded by defamation, since falsity is not a necessary element of a privacy invasion.

Privacy protection has been found to consist of four separate, loosely-related theories (Prosser 1960). Thus, four distinct invasions of privacy have been recognized:

- intrusion: prying into the physical solitude or intimate affairs of a person when he is justified in expecting to be free from such prying;
- commerical appropriation: the use of another person's name, picture or other likeness for one's own commerical benefit;
- public disclosure of private facts: public revelation of the details of a person's private life when, though there is no falsehood, the average person would find such disclosure offensive; and
- false light: publicity that gives the public a false impression of a person.

The first two invasions of privacy--intrusion and commercial appropriation--are not relevant to media-reporting programs; however, the latter two--public disclosure and false light--are.

2.2.1 Public Disclosure of Private Facts. Public disclosure consists of publishing accurate statements of fact that concern intimate aspects of another person's life. An individual claiming to be injured by a disclosure must prove two elements to recover in a civil action. First, the injured party must show that facts disclosed were in fact "private." In light of this requirement, broadcasting or publishing convictions of traffic-law violations would not constitute a disclosure. This is so because convictions are matters of public record and conviction records generally are available for public inspection. Similarly, arrests or citations might be recorded on a "police blotter" or a similar record which, by law or established custom, is available for public inspection. Even if there is no public record of arrests or citations, the fact that they arise out of

driving conduct--hardly an intimate aspect of one's life--weighs against a disclosure action. The second element that the injured party must prove is that the disclosure was offensive and objectionable to one of ordinary sensibilities (Prosser 1971, p. 811) (9). At least with respect to nonserious traffic violations, disclosing the mere fact that an arrest or citation had occurred probably would not meet this test. In sum, an action by the subject of a media report who alleges disclosure probably would not succeed, and this form of privacy protection would not pose a serious constraint to the implementation of media-reporting programs.

2.2.2 False Light Invasion of Privacy. The "false light" theory is even closer to defamation, and in fact overlaps it, since it does involve at least the creation of a false impression in the public mind. Here as in defamation, truth is a defense to liability, although it is not an absolute one. In false light cases, the impression need not be so adverse as to meet the test of defamation, but it still must be objectionable to one of ordinary sensibilities under the circumstances.

Media reports might include photographs of traffic crashes, crash scenes, or persons arrested for serious offenses. The broadcast or publication of such pictures by itself enjoys First Amendment protection; however, false light liability might arise where the photography is accompanied by misleading text or commentary that incorrectly associates its subject with criminal acts or antisocial behavior (10). Another way in which false light could arise in a media-reporting program is in the inadvertent transposition of names, which would erroneously identify individuals as traffic-law violators. Either type of misidentification might be offensive and objectionable to the misidentified person and could therefore trigger liability against the broadcaster or publisher. However, the same First Amendment protections enjoyed by the media with respect to defamation also appear to apply to false light (11). Therefore, even if the information disclosed in a media report places a subject in a false light, the publisher or broadcaster could be held responsible only if it were at least negligent in publicizing the report.

Private parties also might disseminate reports that place individuals in

a false light. However, this countermeasure is not likely to involve the publication of photographs, as pointed out earlier, private dissemination would be limited to aggregate enforcement and crash data.

2.3 Statutory Privacy Protection

Concern over the ability of the state and federal governments to collect, organize, and store information on individuals and to make it readily accessible by computer has led to the enactment of privacy statutes (Miller 1971) (12). These are intended to protect individuals from improper disclosure of personal information concerning them. This concern extends to criminal records, and an amendment to the Omnibus Crime Control and Safe Streets Act of 1968 (13) regulates the storage, maintenance, and disclosure of criminal history data held by many law-enforcement agencies (Zimmerman 1976). A number of states have enacted similar legislation (United States National Criminal Justice Information and Statistical Service]978; Project]975) (14).

Privacy legislation dealing with criminal history data is concerned with the abilities of those who maintain these data to collate, and make immediately available to others, information about individuals (Trubow 1978, pp. 7-11, 16-30); for that reason, such legislation focuses on entire personal histories that reveal the activities of an individual as opposed to chronological records that reveal the activities of a private agency (Trubow 1978, p. 18). Thus, legislation governing criminal history records restricts the dissemination of entire individual criminal histories (commonly known as "rap sheets"), but does not restrict dissemination of police agencies' daily records (commonly known as "police blotters") (15).

Privacy legislation thus affects media-reporting program participants in two ways. First, publishers and broadcasters are denied access to those records declared private by statute. Second, police departments and other agencies having custody of criminal history records could face civil and criminal penalties as the result of their improperly disseminating private records (16). However, the media-reporting countermeasure does not contemplate the dissemination of individuals' entire criminal records; rather, it involves only the publication of abstracts or excerpts obtained

from police and court chronological records. Therefore, privacy legislation governing criminal history records would not pose a serious constraint to the implementation of the media-reporting countermeasure.

The media-reporting countermeasure contemplates reporting on traffic crash causation as well as law-enforcement activity. Therefore, another source of information, namely traffic crash records, might be used. There are, in most states, two type of records: those that drivers or vehicle owners involved in a crash are required to submit to the driver-licensing authority; and those that police agencies that investigate crashes must submit. With respect to public access to reports, most states follow the Uniform Vehicle Code (UVC) approach. The UVC prohibits public inspection of reports submitted by owners or drivers, but allows inspection of reports submitted by law-enforcement officers; a few states, however, prohibit public access to all traffic crash reports (17).

Even when the media are denied access to police as well as drivers' (owners') traffic crash reports, this would not pose a serious constraint to the media-reporting countermeasure as it applies to traffic crash causation. This is because broadcasters and publishers learn, in the course of their own reporting, the factors contributing to traffic crashes. The media-reporting countermeasure does not contemplate a change in these reporting methods; rather it seeks to encourage greater emphasis, in news stories, of crash causation data already gathered by the media.

In sum, therefore, neither privacy legislation restricting the use of criminal-history records, nor statutes making traffic crash records confidential, would pose significant constraints to publication or broadcasting of reports concerning traffic crashes or traffic-law enforcement.

2.4 Summary

Three potential legal constraints may arise in the course of media-reporting programs. They involve defamation, common-law privacy protection, and statutory privacy protection. The first of these, defamation, may arise in cases where untrue reports are disseminated by a broadcaster, publisher, or private source. Where untrue reports concern

minor traffic-law violations, the resulting damage to an individual would probably be so slight as to make a defamation action unlikely. However, untrue reports connecting an individual with serious traffic offenses could pose a substantial risk of liability. For this reason defamation is a potentially significant constraint to this countermeasure.

Two distinct actions--disclosure and false light invasion of privacy--might arise under common-law privacy. Owing to the nature of traffic crashes and offenses, these events are not likely to be considered private matters, which are protected against disclosure. On the other hand, misidentification of individuals as traffic offenders or otherwise antisocial persons might trigger false light actions. As in the case of defamation, the governing standard for false-light liability on the part of news media will be one of negligence and in the case of private parties, the governing standard will be strict liability. In any event, false light actions probably would arise only where serious offenses are reported.

Two types of privacy legislation might affect participants in the media-reporting countermeasure. The first type governs the compilation, maintenance, and dissemination of criminal history data; certain records are shielded from public disclosure, and those who unlawfully disseminate those records face civil or criminal penalties. However, these statutes apply for the most part to "rap sheets" and similar individual records, not conviction records or "police blotters," which would not be used in the media-reporting countermeasure. The second type of statute restricts public access to reports of traffic crashes. Such statutes do not pose a serious constraint, not only because certain crash records remain open to the public, but also because much of the information that appears on these reports—including that relating to crash causation—could be obtained using ordinary reporting procedures.

In sum, two potential law-based constraints—defamation and false light invasion of privacy—may affect the implementation of the media-reporting countermeasure. Methods of resolving those constraints will be discussed in the next section.

3.0 APPROACHES TO CONSTRAINT RESOLUTION

Two typical legal constraints, which could arise out of media-reporting programs, were identified in the previous section. These are defamation and false light invasion of privacy, each of which could result in program participants being held civilly liable for damaging an individual driver's reputation. Approaches to resolving these constraints are discussed in this section.

3.1 Resolving Defamation Constraints

As stated earlier, participating media may be held liable for the negligent publication or broadcast of reports that falsely identify individuals as traffic-law violators. Owing to the First Amendment guarantee of press freedom, some degree of fault--at least negligence--must be shown before a publisher or broadcaster can be held liable for defamation. In a few cases, where the subject of a media report is a public official or "public figure," legal malice, that is, knowledge or reckless disregard of a report's falsity, will be required. However, in most defamation cases it will be sufficient for the allegedly defamed person to show that reasonable care was not exercised by the medium that published or broadcasted the false report.

Since due care is all that is demanded of news media, a broadcaster or publisher will not likely be found liable if, in publishing the report, it had followed the ordinary standards of responsible journalism. Specifically, this requires verifying the information directly in cases where the source is not reliable, or when some other fact casts doubt on it. Where the medium gathers information directly from such sources as court and police records, or from safety organizations that have established a reputation for reliability, it is unlikely that relying on their accuracy would be considered a lack of due care. Thus, the likelihood of being held liable for defamation in such a situation is remote. On the other hand, where a police agency, court, or safety organization transmits

information to a publisher or broadcaster, which in turn disseminates it to the public, the medium might not be justified in relying on that information as accurate. Factors that determine whether reliance is justified include the seriousness of the alleged offense, the source which provided the data, whether the data were obtained from regularly-kept records, and the depth of treatment given the reported incident by the medium (18). Thus, where data pertaining to serious offenses are reported to a participating medium, an independent investigation by the medium might be required.

On the other hand, a private person could face strict liability for defamation; therefore, due care would not be sufficient to avoid liability. For that reason, reporters other than news media should either confine the scope of their reports to aggregate or statistical data, or delete from their reports any information that may identify their subject.

In sum, news media participating in this countermeasure can best avoid constraints arising out of defamation actions by adhering to principles of careful journalism including, where necessary, independent investigation to verify reports.

3.2 Resolving False Light Constraints

Because the law governing false light invasion of privacy, like defamation, is subject to First Amendment protection, strategies for resolving this constraint are similar to those for minimizing the constraint posed by defamation. Therefore, private parties should avoid disseminating data that personally identifies drivers. In the case of publishers and broadcasters, adhering to responsible investigation and reporting methods, as well as taking reasonable precautions to avoid typographical and layout errors, will minimize the impact of this constraint. This is especially true where a media report includes photographs, or where its scope goes beyond a mere recitation of the facts surrounding an arrest or traffic crash.

3.3 Summary

The principal impact of defamation and false light on media-reporting programs is in the form of civil actions by individuals misidentified as serious traffic offenders. Since these actions will succeed only in cases where a medium had failed to exercise proper care with respect to publishing or broadcasting information, these two law-based constraints can be minimized by following basic principles of responsible journalism. Because it is not necessary to establish any fault on the part of private parties who disseminate reports, the risk of their being held liable is greater. In light of this, the most effective means by which private parties can avoid defamation or false light liability is to avoid identifying individuals in their reports.

4.0 CONCLUSIONS AND RECOMMENDATIONS

Two possibly significant law-based constraints to the media-reporting countermeasure--defamation and false light invasion of privacy--have been identified in this letter report. The impact of these constraints is somewhat diminished where the media-reporting countermeasure involves reporting in no greater detail than drivers' names, the facts of their arrest, citation, or prosecution, and the causes of traffic crashes, rather than publishing feature stories. Even so, the broadcasters and publishers who participate in this countermeasure program might incur civil liability if they fail to exercise proper care in their reporting of traffic crashes and law-enforcement activity. However, the use of proper investigative and reporting techniques should reduce the likelihood of successful civil actions against news media and should minimize the impact of these law-based constraints on the media-reporting countermeasure.

Private parties taking part in this countermeasure program can best avoid liability by disseminating aggregate or statistical data, and by eliminating from their reports any references to specified individuals. Thus, we conclude that programs by which the news media and private safety organizations report data on traffic-law enforcement activity and traffic-crash causation are legally feasible.

Note that this letter report addresses neither the public acceptability of media-reporting programs nor the willingness of law-enforcement agencies or news media to participate in them, as these are the subject of studies by NHTSA or by other NHTSA contractors.

FOOTNOTES

1. U.S. CONST. amend. I states in part: "Congress shall make no law . . . abridging the freedom . . . of the press." This provision has since been applied to the states through the Due Process Clause of the Fourteenth Amendment.
2. New York Times Co. v. Sullivan, 376 U.S. 254, 279-80 (1964). First Amendment protection of the news media extends to reporters and other media employees. In the media-reporting countermeasure, it is conceivable that persons acting as private individuals would transmit information to participating media. Those individuals would not enjoy First Amendment protection. However, because they are outside the scope of this countermeasure, their legal rights and responsibilities will not be discussed in this volume.
3. Time, Inc. v. Firestone, 424 U.S. 448, 454-55 (1976).
4. Curtis Publishing Co. v. Butts, 388 U.S. 130, 154-55 (1967); see also, Gertz v. Robert Welch, Inc., 418 U.S. 323, 342 (1974).
5. New York Times Co. v. Sullivan, 376 U.S. 254, 278-80 (1964); see also, Rosenblatt v. Baer, 383 U.S. 75, 85 (1966); and Garrison v. Louisiana, 379 U.S. 64, 77 (1964).
6. St. Amant v. Thompson, 390 U.S. 727, 731-33 (1968).
7. Cases in which persons were held to be "public figures" include: Vitale v. National Lampoon, Inc., 449 F. Supp. 442, 445 (E.D. Pa. 1978) [magazine model]; Rosanova v. Playboy Enterprises, Inc., 411 F. Supp. 440, 444-45 (S.D. Ga. 1976) [reputed organized crime enforcer]; Williams v. Trust Company of Georgia, 140 Ga. App. 49, 230 S.E.2d

45, 48-50 (1976) [civil-rights activist]; and James v. Gannett Co., Inc., 40 N.Y.2d 415, 353 N.E.2d 834, 839-40 (1976) [entertainer]. Note that a news medium's qualified privilege is limited to those matters in which the subject actually had sought publicity; in this regard see, Korbar v. Hite, 43 Ill. App. 3d 636, 357 N.E.2d 135, 139 (1976) [credit union president deemed a public figure only with respect to his official conduct and policies]; and see generally, Time, Inc. v. Firestone, 424 U.S. 448, 454-55 (1976).

8. Donaldson v. Washington Post Co., 46 U.S.L.W. 2316 (D.C. Super. Ct. 1977); see also, Trans World Accounts, Inc. v. Associated Press, 425 F. Supp. 814, 820-21 (N.D. Cal. 1977) [alleged illegal activities under investigation by the Federal Trade Commission; applying California law].
9. One case, Sidis v. F-R Publishing Corp., 113 F.2d 806, 809 (2d Cir. cert. denied, 311 U.S. 711 (1940)), affirming 34 F. Supp. 19 (S.D.N.Y. 1938), suggested a "mores" test: liability would be imposed only where publicity is given to matters that the customs and views of the community would regard as highly objectionable. In this regard one should see also, Melvin v. Reid, 112 Cal. App. 285, 297 P. 91 (1931) [holding that disclosure of the past life of a former prostitute and murder defendant, who had long since reformed herself, constituted an invasion of privacy].
10. See, Leverton v. Curtis Publishing Co., 192 F.2d 974 (3d Cir. 1951).
11. In Time, Inc. v. Hill, 385 U.S. 374 (1967), the Supreme Court applied the New York Times standard protecting news media to false-light actions. However, in light of Gertz v. Robert Welch, Inc., 418 U.S. 323 (1974), it is not certain whether malice on the part of a medium is still required to support a false-light action. Where no Supreme Court case has directly answered this question, a recent decision, Zacchini v. Scripps-Howard Broadcasting Co., 433 U.S. 562 (1977),

contained dicta to the effect that the New York Times and Time cases still govern false-light actions.

12. Typical privacy statutes include: 5 U.S.C.A. § 552a (West) [Federal Privacy Act of 1974]; MASS. ANN. LAWS, ch. 66A (Michie/Law. Co-Op 1978) ["Fair Information Practices"]; and MINN. STAT. ANN. §§ 15.162 et seq. (West Supp. 1979) [Minnesota Data Privacy Act].
13. 42 U.S.C.A. § 3771(b) (West 1977).
14. CAL. PENAL CODE §§ 13100 et seq. (West Supp. 1979); MASS. ANN. LAWS, ch. 6, §§ 167-178 (Michie/Law. Co-Op Supp. 1979); and MINN. STAT. ANN. § 15.165 (West Supp. 1979).
15. 28 C.F.R. §§ 20.20(b)(2), 20.20(b)(3) (1978).
16. CAL. PENAL CODE §§ 13302, 13303 (West Supp. 1979) [criminal penalties for knowingly furnishing data to unauthorized persons]; MASS. ANN. LAWS ch. 6, § 177 (Michie/Law. Co-Op Supp. 1979) [authorizing civil actions by aggrieved persons]; MASS ANN. LAWS ch. 6, § 178 (Michie/Law. Co-Op Supp. 1979) [criminal penalties for willfully furnishing or receiving data without authorization]; MINN. STAT. ANN. § 15.166 (West Supp. 1979) [civil penalties for violations]; and MINN. STAT. ANN. § 15.167 (West Supp. 1979) [criminal penalties for willful violations].
17. UNIFORM VEHICLE CODE § 10-107(e) (Supp. II 1976) provides that crash reports submitted by involved drivers or vehicle owners shall be for the confidential use of the driver licensing authority or other state agencies having use of those records for crash prevention purposes. On the other hand, UNIFORM VEHICLE CODE § 10-112(a) (Supp. II 1976) provides that reports submitted by law-enforcement officers shall not be privileged or confidential. Most states follow the UVC provision and many specifically provide that members of

the public may obtain copies of reports. However, a minority of states entirely deny public access to reports; see, e.g., MONT. REV. CODES ANN. § 32-1213 (Cum. Supp. 1977).

18. See, e.g., Phillips v. Evening Star Newspaper Co., 46 U.S.L.W. 2056 (D.C. Super. Ct. 1977) [reliance on unofficial police comments concerning alleged homicide, obtained from police telephone "hot line," held to be unjustified].

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