


# Supreme Court ruled media can lie with impunity

*"The difference between a politician and a statesman is that a politician thinks about the next election while the statesman think about the next generation."* – James Freeman Clarke

*"Our leaders know we're turning into a giant ghetto and they are taking every last hubcap they can get their hands on before the rest of us wake up and realize what's happened."* – Matt Taibbi, Rolling Stone ([Goldman Sachs](#))

Those who hate Donald Trump, and we all know who they are, have told plenty of lies about him. The latest lie is that Trump has never cared about veterans until now, and that he'll keep the monies garnered for the vets at his rally for himself. (C'mon people, he gave \$1 million of his own monies!) This statement is in [certain conservative circles](#), (those who signed onto National Reviews' 'Against Trump') that Donald Trump [does next to nothing](#) to help veterans. It turns out Trump has been generous with veterans over the past decades—all it takes is a little more research than those with an ax to grind seem willing to do.


[UPI reported in 1995](#) how Trump was credited with 'saving' the New York Veterans Day Parade. The parade that year was marking the fiftieth anniversary of the end of World War II. A 1995 video report [archived by Getty Images](#) features Trump speaking about the parade.

 Donald Trump with wife Melania and sons Eric and Donald, Jr. Trump holds the Phelps Award as 2008 Honoree of the Year by the [Vietnam Veterans Memorial Plaza](#).

Trump said, "The fact is you have a group of people that has been so tremendous for this country and they've been forgotten. And I think that tomorrow they're going to be

remembered.”


This was not Trump’s first time supporting the New York Veterans Day Parade. In 1987 Trump gave \$1 million to help the parade when it was in transition, according to a history of the parade [reported by Business Insider](#) in 2013. [[Link](#)]

Trump had just finished a speech and was in the audience talking especially to veterans. He came across this wounded warrior who had lost his arms, and so he instead touched his face. It is a picture you wouldn’t see with any  other candidate. I found it extremely touching. Look at the smile on that veteran’s face!

I watched in Knoxville, TN, when Mr. Trump got down from the dais and went into the crowd, of over 10,000, straight to the veterans. He spent another hour just signing autographs, talking to them, and answering questions. Anyone who says Mr. Trump doesn’t love our soldiers is a liar. And that’s the name of the game, lies are told daily about Mr. Trump in an effort to destroy his reputation with the American people. How can they possibly get away with this? They can because the Supreme Court made it legal.

### **Why They Can Lie**

Thanks to my dear friend and retired attorney, who told me about a 1964 Supreme Court decision...this decision perfectly describes what is happening in the political realm today and has happened since 1964. Prior to ’64, people could not and did not lie about others for fear of retribution, (i.e., being sued for libel or slander) but with this SCOTUS decision, all that has changed.

We can thank the liberal 1964 Warren Supreme Court for a unanimous decision in [New York Times Company v. Sullivan](#). It was argued on January 6-7, 1964, and decided on March 9, 1964. (In a 1962 case, this Court was the one who  ruled that

religious prayer in public schools was unconstitutional according to the First Amendment principle of church and state.)

## The Warren Court

This landmark U.S. Supreme Court case, *New York Times Co. v. Sullivan*, 376 U.S. 254, 84 S. Ct. 710, 11 L. Ed. 2d 686 (1964), extended the [First Amendment](#)'s guarantee of free speech to LIBEL cases brought by public officials. The Supreme Court sought to encourage public debate by **changing the rules involving libel** that had previously been the province of state law and state courts.

Decided together with *Abernathy v. Sullivan*, this case concerned a full-page ad in the NYT's which alleged that the arrest of the Rev. Martin Luther King, Jr. for perjury in Alabama was part of a campaign to destroy King's efforts to integrate public facilities and encourage blacks to vote. L.B. Sullivan, the Montgomery City police commissioner, filed a libel action against the newspaper and four black ministers who were listed as endorsers of the ad, (one being Abernathy) claiming that the allegations against the Montgomery police defamed him personally. Under Alabama law, Sullivan did not have to prove that he had been harmed; and a defense claiming that the ad was truthful was unavailable since the ad contained factual errors. Sullivan won a \$500,000 judgment. [\[Link\]](#)

In August 1962, the [Alabama Supreme Court upheld the judgment](#).

The oral arguments on the case before the US Supreme Court took place in January 1964.

Mr. M. Roland Nachman was the lawyer for the plaintiff, Mr. Sullivan. His daughter, Linda Connelly said, "Daddy said to his colleagues and family, 'Either I will win the case or they will change the law of the land.'" The law of the land was

changed.

The following few paragraphs tell the story:

The rule of law applied by the Alabama courts was found 'constitutionally deficient' (What does that mean?) for failure to provide the safeguards for freedom of speech and of the press that are required by the [First](#) and [Fourteenth Amendments](#) in a libel action brought by a public official (Sullivan) against critics (NYT's) of his official conduct. The decision further held that under the proper safeguards the evidence presented in this case is constitutionally insufficient to support the judgment for Sullivan.



Supreme Court Justice Brennan then set out the rule that reshaped libel law with his majority opinion. A public official could recover in a libel action only if and when a court found that the libelous statement about the official was made with " 'actual malice'—that is, with knowledge that it was false or with reckless disregard of whether it was false or not." As long as the press has an **"absence of malice," public officials are barred from recovering damages for the publication of false statements about them.**

And just how does one now prove ACTUAL MALICE?

In separate concurring opinions, Justices Hugo l. black and William O. Douglas differed with Justice Brennan over whether the press should ever be held liable in defamation of public officials. They concluded that the First Amendment provided an absolute immunity for criticism of the way public officials do their public duty. Anything less than absolute immunity encourages **"deadly danger" to a free press by state libel laws that harass, punish, and ultimately destroy critics.**

**The Decision:**

The United States Supreme Court unanimously ruled in favor of the newspaper. The Court said the right to publish all statements is protected under the First Amendment. The Court also said in order to prove libel, a public official must show that what was said against them was made with actual malice – “that is, with knowledge that it was false or with reckless disregard for the truth.”

Isn't that just grand? Now the media can say anything they want about a public figure whether true or false, and get away with it. So with a stroke of the pen, or an email send, a public figure's reputation can be utterly destroyed...with lies or twisted truths.

So, the Court held that the First Amendment protects the publication of all statements, even false ones, about the conduct of public officials, except when statements are made with actual malice (with knowledge that they are false or in reckless disregard of their truth or falsity). Under this new standard, Sullivan's original case collapsed, and this is why today, lies are told by media and public officials with impunity.

The press now has the freedom to destroy anyone they personally dislike! No matter what the GOP, Fox News, Glenn Beck, CNN and others say about Mr. Trump, and no matter how distorted the truth, or how many outright lies they tell, they cannot be held libelous because of this 1964 case, because proving malice, even when we believe that's what it is...is very difficult to do.

Here is Trump's last venue before the Iowa caucus, a question and answer forum. Note that he speaks about the lying by other candidates...it is pervasive.

Remember Glenn Beck getting on O'Reilly's program and stating that Mr. Trump voted for Obama? How many people saw that and thought it was true? How many people missed seeing Beck's

apology on O'Reilly's show the next week, stating he was totally wrong about Mr. Trump? Even with an apology, damage was done that should have never happened. Beck stated a falsehood he found on some obscure website, and damaged the character of a presidential candidate. Because of Warren's liberal Supreme Court, there is no recourse.

The ruling was revolutionary, because the court for the first time rejected virtually any attempt to squelch criticism of public officials—**even if false**—as antithetical to “the central meaning of the First Amendment.”

It appears as though the Supremes have made it their life work to eviscerate the Constitution. Laws were removed from the province of state law and state courts, and are now federal laws, eliminating the states' rights to rule. The same thing happened with Roe v. Wade, Kelo v. the City of New London, Obergefell v. Hodges, King v. Burwell, and dozens of others.

Thanks to the decision in New York Times Co. v. Sullivan, we now know why they can lie and get away with it.