

Friday, August 29, 2008

The limits on libel suits.

Â Bill of Rights.Â (From the public domain.)Â Â Earlier this month, the Fourth Circuit affirmed summary judgment for the defendants in a libel case against a radio announcer (and his company) who had brusquely uncomplimentary words about the company's actions in IraqÂ while on contract at Abu Ghraib for such actions as conducting interrogations on behalf of the United States government.Â Â Caci Premier Tech., Inc. v. Rhodes, 2008 U.S. App. LEXIS 16576 (4th Cir.,Â Aug. 5, 2008).Â In affirming summary judgment, theÂ Fourth Circuit said: "To survive summary judgment, CACI must have forecast clear and convincing evidence that Rhodes made the statement with a high degree of subjective awareness of its probable falsity. In light of the evidence suggesting CACI's involvement in other abuses at Abu Ghraib and the credible sources identifying a contractor as the perpetrator of the child rape, the record does not support a finding, by clear and convincing evidence, that Rhodes levied the accusation recklessly. It is the absence of sufficient evidence of Rhodes's state of mind, and not any testament to the actual veracity or justifiability of her statement, that makes summary judgment appropriate here."Â Jon Katz.

Posted by Jon Katz in First Amendment at 00:00