

# Enquirer faces trial in privacy case

By DAVID G. SAVAGE  
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WASHINGTON — The U.S. Supreme Court cleared the way yesterday for a jury in Los Angeles to decide whether the National Enquirer went too far when it reported on how much money actor and comedian Eddie Murphy gave to support a girlfriend and their son.

The justices rejected the claim that the media have an absolute First Amendment right to report the truth.

In March, a California appeals court said the Enquirer could be forced to pay damages to Murphy's girlfriend, Tamara Hood, not because its story was inaccurate, but rather because it told too much about her

private life.

The judges cited financial details, such as a "\$1 million trust fund" set up by Murphy for his son, Christian, and "a \$376,000 house" he bought for the boy and his mother.

The Enquirer **Murphy** maintained its editors should decide what is newsworthy. But the state appeals court said that decision in a close case should be made by the jurors.

The Supreme Court's refusal to hear the appeal comes as no surprise.



**Murphy**

The justices rarely intervene before trial in a case involving damages.

But the lawsuit and the rulings highlight a little-known, potentially unsettling legal claim against the news media.

Typically, the media are sued when they publish false information. Many media advocates think the truth is the ultimate shield from such claims.

However, laws in some states allow people to sue for damages if their privacy has been invaded — even if the information published is true. And in these cases, the more specific and detailed the news report, the greater the damage.

In suits involving claims of libel or defamation, the Supreme Court has shielded the media from paying dam-

ages when it reports on public figures. Only a reckless falsity or malicious story is subject to a libel verdict.

By contrast, the high court has not ruled squarely on a free-press case involving a privacy claim and has not set standards that govern such cases.

Most news organizations report on public figures and on matters of public concern. But the lines are not clear. Sometimes, private people are thrust into the news because they are witnesses to a crime or an accident or are connected to prominent person.

California courts have tried to balance the media's right to report on matters of "legitimate public concern" vs. an individual's right to shield "the intimate details of one's private life."

150-4