Syllabus

NOTE: Where it is feasible, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States* v. *Detroit Timber & Lumber Co.*, 200 U. S. 321, 337.

SUPREME COURT OF MAYFLOWER

Syllabus

THEONEUNKNOWNPILOT *v.* OCEANICWAVEZ

ON APPEAL FROM THE DISTRICT COURT FOR THE NEW HAVEN DISTRICT

No. 07–05. Decided July 2, 2023

TheOneUnknownPilot is the Associate Director of the Mayflower Law Enforcement Training Institute. In that position, they are charged with overseeing the department and the accreditation, training, and discipline of law enforcement. In the lower court, they brought suit against an individual, alleging that they had suffered character slander by their insinuating statements accusing them of being a sexual predator. Both parties have acknowledged the falsehood of these statements but disagreed on the need to demonstrate actual malice in the claims. Appellee moved for dismissal, arguing that TheOneUnknownPilot was a public official and failed to allege actual malice in their claim, entitling them to dismissal. Appellant argued that the incident was related to their position in a former rendition of Mayflower and that they do not hold that position in this rendition, that they are suing as a private citizen. The lower court agreed that Appellant needed to demonstrate actual malice and that the complaint failed to allege such, which entitled the Appellee to dismissal. Appellant invoked appeal by-right under Mayf. Const. art. XI, §3, cl 2. We noted probable jurisdiction to the case and now rule.

Held: The lower court correctly found that Appellant is a public official given their position in the Mayflower Law Enforcement Training Institute, as they are responsible for managing that department – or at least give an appearance of such. Provided such, they must demonstrate actual malice to be successful in their claim of defamatory damages. Pp. 3–4.

Judgment affirmed.

TAXESARENTAWESOME, J., delivered the opinion for a unanimous Court.

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SUPREME COURT OF MAYFLOWER

No. 07–05

THEONEUNKNOWNPILOT *v.* OCEANICWAVEZ

ON APPEAL FROM THE DISTRICT COURT FOR THE NEW HAVEN DISTRICT

[July 2, 2023]

JUSTICE TAXESARENTAWESOME delivered the opinion of the Court.

"If there is any fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion or force citizens to confess by word or act their faith therein." *West Virginia Bd. of Ed.* v. *Barnette*, 319 U. S. 624, 642 (1942). To this important principle was born the need to protect the speech of the constituent in civil cases concerning the slander of character. In *New York Times Co.* v. *Sullivan*, 376 U. S. 254 (1963), the U. S. Supreme Court limited the ability of a public official to prevail on a claim of defamation absent a demonstration of actual malice.

In this case, we are asked to resolve whether the Appellant, who is the Associate Director of the Law Enforcement Training Agency, a government agency responsible for the accreditation of law enforcement officers as well as the maintenance of their training, and who is also a trooper of the state police, is considered a public official for the purposes of *Sullivan*. If we find that they are a public official, would they be held to the same requirements as other public

officials when looking to demonstrate defamation in civil court?

We hold that they are a public official insofar as their position with the Mayflower Law Enforcement Training Institute, and that their position with the Mayflower State Police had not been invoked in this case whatsoever. Given such, they are required to demonstrate actual malice in their defamation case. Therefore, we uphold the lower court's ruling.

I

Appellant was a high-ranking public official for the Mayflower Law Enforcement Training Institute in the previous rendition of Mayflower. In that office, they admit to revoking the law enforcement accreditation of the Appellee for an unrelated incident. Since then, they have both moved to this rendition of Mayflower and have interacted with each other in a negative manner. This included making accusatory statements against the Appellant, accusing them of being a sexual predator.

Appellant then filed suit in the lower court seeking defamatory damages for statements made by the Appellee. These statements have been demonstrably false so far and both parties acknowledged this. Appellant asserted that the statement was made "as a result of the [Appellee's] revocation of his [Law Enforcement Training accreditation] within the original Mayflower."

In this rendition, Appellant is a state trooper with the Mayflower State Police and the Associate Director of the Mayflower Law Enforcement Training Institute. Though the cause of the statements was not made in this rendition of Mayflower, the statements themselves were made here in our present territory. Therefore, they fell to our courts to adjudicate.

In the lower court, Appellee moved for dismissal, arguing

that Appellant is a public official and must demonstrate actual malice to succeed in their claims, which they have failed to do so. Appellant contended that they were not a public official for the purposes of *Sullivan* and need not demonstrate actual malice in their claims. The lower court granted the dismissal motion. Appellant then filed appeal and we noted probable jurisdiction soon after.

II

"The constitutional guarantees require, we think, a […] rule that prohibits a public official from recovering damages for a defamatory falsehood relating to his official conduct unless he proves that the statement was made with actual malice–that is, with knowledge that it was false or with reckless disregard of whether it was false or not." *Sullivan*, *supra* at 279-280. It is an undoubtable truth that this requirement applies to defamation cases even in our state courts, but we must resolve whether the official that is making the suit is a public official.

The principles of the First Amendment were made to provide for "an uninhibited marketplace of ideas." *McCullen* v. *Coakley*, 573 U. S. 464, 476 (2014) (internal quotation marks omitted). To allow a public official to place a restriction on this marketplace would be contradictory to these freedoms and construe the Government as the speechmaker, instead of the subservient to the People. The Framers sought to prevent this with the First Amendment, and "believed that the freedom to think as you will and to speak as you think are means indispensable to the discovery and spread of political truth." *Boy Scouts of America* v. *Dale*, 530 U. S. 640, 660-661 (2000) (quoting *Whitney* v. *California*, 274 U. S. 357, 375 (1927) (concurring opinion)).

Sullivan was written explicitly for cases like this. In this case, we are presented with a government official who, incident to their duties, was criticized for their conduct.

Whether the criticism itself was valuable to political discourse is not our prerogative, nor should it ever be. *Sullivan* acknowledged that even false statements "may be deemed to make a valuable contribution to public debate, since it brings about 'the clearer perception and livelier impression of truth, produced by its collision with error.'" *Sullivan*, *supra* at 279 n. 19.

Appellant correctly notes that a public official are "those among the hierarchy of government employees who have, or appear to the public to have, substantial responsibility for or control over the conduct of governmental affairs." *Rosenblatt* v. *Baer*, 383 U. S. 75, 86 (1966). This definition perfectly fits with Appellant. In the previous rendition of Mayflower, at the time that the cause of the criticism happened. Now, they are still a public official with control over the department that accredits law enforcement officers.

To side with Appellant would be to pave a destructive path against the First Amendment and allow the government official to restrict speech impugning their conduct, or to act as a deterrent to speech. Our Court cannot find merit to allow this.

* * *

The judgment of the lower court is affirmed.

It is so ordered.