The most interesting possibility lies in the First Amendment protection of good-faith defamation.[417] Justice Stewart argued that the *Sullivan* privilege is exclusively a free press right, denying that the "constitutional theory of free speech gives an individual any immunity from liability for libel or slander."[418] To be sure, in all the cases to date that the Supreme Court has resolved, the defendant has been, in some manner, of the press,[419] but the Court's decision in *First National Bank of Boston v. Bellotti* that corporations are entitled to assert First Amendment speech guarantees against federal and, through the Fourteenth Amendment, state, regulations causes the evaporation of the supposed "conflict" between speech clause protection of individuals only and press clause protection of press corporations as well as of press individuals.[420] The issue, the Court wrote in *Bellotti*, was not what constitutional rights corporations have but whether the speech that is being restricted is protected by the First Amendment because of its societal significance. Because the speech in *Bellotti* concerned the enunciation of views on the conduct of governmental affairs, it was protected regardless of its source; while the First Amendment protects and fosters individual self-expression as a worthy goal, it also and as importantly affords the public access to discussion, debate, and the dissemination of information and ideas. Despite *Bellotti's* emphasis upon the

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some right of the press to gather information that apparently may not be wholly inhibited by nondiscriminatory constraints. Id. at 582–84 (Justice Stevens), 586 n.2 (Justice Brennan), 599 n.2 (Justice Stewart). Yet the Court has also suggested that the press is protected in order to promote and to protect the exercise of free speech in society at large, including peoples' interest in receiving information. *E.g.*, Mills v. Alabama, 384 U.S. 214, 218–19 (1966); CBS v. FCC, 453 U.S. 367, 394–95 (1981).

[417] New York Times Co. v. Sullivan, 376 U.S. 254 (1964). *See* discussion of "Defamation," *infra*.

[418] Stewart, *Or of the Press*, 26 HASTINGS L. J. 631, 633–35 (1975).

[419] In Hutchinson v. Proxmire, 443 U.S. 111, 133 n.16 (1979), the Court noted that it has never decided whether the *Times* standard applies to an individual defendant. Some think they discern in Gertz v. Robert Welch, Inc., 418 U.S. 323 (1974), intimations of such leanings by the Court.

[420] 435 U.S. 765 (1978). The decision, addressing a question not previously confronted, was 5-to-4. Justice Rehnquist would have recognized no protected First Amendment rights of corporations because, as entities entirely the creation of state law, they were not to be accorded rights enjoyed by natural persons. Id. at 822. Justices White, Brennan, and Marshall thought the First Amendment implicated but not dispositive because of the state interests asserted. Id. at 802. Previous decisions recognizing corporate free speech had involved either press corporations, id. at 781–83; *see also* id. at 795 (Chief Justice Burger concurring), or corporations organized especially to promote the ideological and associational interests of their members. *E.g.*, NAACP v. Button, 371 U.S. 415 (1963).