Continuing to adhere to "limited principles that sweep no more broadly than the appropriate context of the instant case," the Court invalidated an award of damages against a newspaper for printing the name of a sexual assault victim lawfully obtained from a sheriff's department press release. The state was unable to demonstrate that imposing liability served a "need" to further a state interest of the highest order, since the same interest could have been served by the more limited means of self regulation by the police, since the particular *per se* negligence statute precluded inquiry into the extent of privacy invasion (*e.g.*, inquiry into whether the victim's identity was already widely known), and since the statute singled out "mass communications" media for liability rather than applying evenhandedly to anyone disclosing a victim's identity.[1282]

Emotional Distress Tort Actions.—In *Hustler Magazine, Inc. v. Falwell*,[1283] the Court applied the *New York Times v. Sullivan* standard to recovery of damages by public officials and public figures for the tort of intentional infliction of emotional distress. The case involved an advertisement "parody" portraying the plaintiff, described by the Court as a "nationally known minister who has been active as a commentator on politics and public affairs," as stating that he lost his virginity "during a drunken incestuous rendezvous with his mother in an outhouse."[1284] Affirming liability in this case, the Court believed, would subject "political cartoonists and satirists . . . to damage awards without any showing that their work falsely defamed its subject."[1285] A proffered "outrageousness" standard for distinguishing such parodies from more traditional political cartoons was rejected; although not doubting that "the caricature of respondent . . . is at best a distant cousin of [some] political cartoons . . . and a rather poor relation at that," the Court explained that "'[o]utrageousness' in the area of political and social discourse has an inherent subjectiveness about it which would allow a jury to impose liability on the basis of the jurors' tastes or views. . . ."[1286] Therefore, proof of intent to cause injury, "the gra-

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[1282] The Florida Star v. B.J.F., 491 U.S. 524 (1989). The Court left open the question "whether, in cases where information has been acquired *unlawfully* by a newspaper or by a source, the government may ever punish not only the unlawful acquisition, but the ensuing publication as well." Id. at 535 n.8 (emphasis in original). In Bartnicki v. Vopper, 532 U.S. 514 (2001), the Court held that a content-neutral statute prohibiting the publication of illegally intercepted communications (in this case a cell phone conversation) violates free speech where the person who publishes the material did not participate in the interception, and the communication concerns a public issue.

[1283] 485 U.S. 46 (1988).

[1284] 485 U.S. at 47, 48.

[1285] 485 U.S. at 53.

[1286] 485 U.S. at 55.