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The Press and Rights to Privacy: First Amendment Freedoms Vs. Invasion of Privacy Claims (Law and Society)

Erin K. Coyle

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Since Florida Star v. B.J.F. was published in 1989, state high court and federal circuit court of appeals rulings have most often found that free expression interests trump privacy. Some rulings, however, have recognized that fundamental democratic values undergird free expression rights as well as rights to privacy. Coyle argues that courts and communicators should attempt to reconcile future clashes among the right to publish and rights to privacy in manners that consider interests on both sides of the conflict. She suggests several steps that courts and communicators should take to continue limiting successful invasion of privacy claims to extreme cases.

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