The DALLAS MORNING NEWS, INC and Steve Blow v. John Tatum and Mary Ann Tatum

The Supreme Court of Texas

(May 11, 2018)

Parties:

In the original trial, the Plaintiffs are Mary Ann Tatum and John Tatum, who are the parents of Paul Tatum. The Defendants are Steve Blow and The Dallas Morning News, the company for which he writes columns.

Facts:

Paul Tatum, a 17-year-old boy, wrecked his parent’s car while getting fast food. There was no evidence that he was under the influence of anything. The crash caused the airbags to deploy so strongly that Paul's eyelashes and facial tissue were found at the scene. After the wreck, Paul began drinking and called a friend. The friend, worried about how Paul sounded, went to Paul's house to check on him. He found Paul with one of his family's firearms. The friend went to tell his mom who was waiting in the car. While he was going to tell his mom, Paul shot and killed himself. Paul was described by everyone as smart, popular and athletic. Everyone including his mom, a mental-health professional, said Paul showed no signs of suicidal behavior. Due to this Paul's parents, Mary Ann and John Tatum turned to medical literature where they found a connection between brain injury and suicide. They felt that the car accident caused Paul a brain injury which led him to commit suicide.

To remember their son, Tatum’s purchased space in The Dallas Morning News and published an obituary which claimed their son had died as a result of a car accident. A month later a column writer, Steve Blow, published a column titled “Shrouding Suicide Leaves its Dangers Unaddressed”. This column quoted a piece of Paul’s obituary stating it was paid to be put in the paper. It also mentioned that Paul’s death was actually the result of a suicide. However, the column never mentioned Tatum’s by name. The column discussed the importance of talking about suicide and the dangers of ignoring it. It stated Blow did not want to put blame on the families of those who commit suicide. It also stated that the lack of conversation concerning suicide was understandable and it ended with claiming “awareness, frank discussion, timely intervention, treatment – those are the things that save lives. Honesty is the first step.”

The column was drafted without letting Tatum's know and those who knew Tatum's immediately knew it was referencing them. Tatum's filed a libel suit and libel per se against Blow and The Dallas Morning News. Tatum's claimed the column was defamatory. The Dallas Morning News filed for a summary judgment saying the column was an opinion.

Lower Court Holding:

The Lower court granted the summary judgment by The Dallas Morning News without explaining the reason. Tatum's appealed and the court of appeals reversed the trial court holding saying the column was not an opinion because it stated that Tatum's were attempting to deceive in their obituary. Moreover, it can be verified, due to which it is subject to defamation. The court of appeals rejected every defense made by The Dallas Morning News. The Dallas Morning News then petitioned for a review.

Issue Presented:

Was the accused defamation done in the column’s ‘gist’ or was the accused defamation implied or explicit? Another important question is, did the column written by Steve Blow defame Tatum’s by implying they had deceived the public about the cause of their son’s death or imply Paul had an ignored mental illness? Moreover, if the column did it, are those statements protected by the first amendment?

Holding:

The Supreme Court of Texas reversed the decision by the appellate court and returned to the trial court’s decision, deciding in favor of Steve Blow and The Dallas Morning News, Inc.

The Supreme Court of Texas said that Tatum's case relied on implied defamation from a portion of the column and the column accusing them of deceiving the public about their son's death was the only grounds for a libel suit. Even though it could stand ground for a legal suit, the Supreme Court of Texas considered the column written by Steve Blow to be a truthful, opinion column thus protected by the First Amendment.

Legal Principle:

The First Amendment protects accurate statements and those of opinion.

Reasoning:

While determining if this case can be considered defamation in its ‘gist,’ the court looked towards definitions of the word ‘gist.’ The American Heritage Dictionary of the English Language, Webster's Third New International Dictionary and Black's Law Dictionary, all state that ‘gist' means the main point. Therefore, Tatum's cannot sue for defamation due to the word ‘gist.’ The court believes the reference to Tatum's in the article was used to support the main point of the article, which was the importance of starting a conversation about suicide. Therefore, Tatum's could sue only for partial defamation.

After that, the issue is to assess if Musser v. Smith Protective Services, Inc. assisted in determining whether the defamation was explicit or implicit. The case states for a statement to be implicitly defamatory a reasonable person would have to understand them to be. For this instance, the court agrees that the column did intend to imply Tatum's deceived the public on the cause of their son's death, but it only does so as an example. However, the court rejects the idea that the column implied that Paul had a mental illness on the grounds of the language used around that statement. Since the column used the word "often" you cannot classify every suicide, therefore, you cannot classify Paul. The Court also states that since the statement regarding Tatum's deception and the statement saying suicide ‘often' is a result of mental illness are so far apart in the article you cannot connect them. They also do not believe the column insinuated the Tatum's ignored their son's mental illness. Given all that information, the only ground on which Tatum’s can sue is the column implying that they had deceived the public about the cause of their son's death.

New Times, Inc. v. Isaacks states that a statement has to be capable of being verifiable as false to be a ground for a defamation lawsuit. The court believes that the column's accusations that Tatum's had lied about their son's death was a true statement because they had literally lied about what caused their son's death. The Tatum's said that Blow should have included the research on the connection between brain injury and suicide in his article. Since they did not do it in the obituary, it is not a sufficient argument to claim Blow's statement was false. For something to be fully truthful, it cannot avoid necessary information. Since Blow's article ended with "the last thing I want to do is put guilt on the family of suicide victims," the court assumes the column is true. The court also believes that even if the article included all the information Tatum's would have preferred, it did not matter because both articles would be just as damaging to Tatum's reputation.

The court also mentions that even if the statement was false, Milkovich v. Lorain Journal Co. lets us know that you also have to consider the context the statements were made in. The court determines the use of phrases like "I guess" and "I think," the title of the column and the style of writing in the column, all depict that the column was an opinion and thus protected by the first amendment.

Concurring Opinions:

Justice Boyd concurred while Justice Lehrmann and Blacklock joined. They argued that the court was introducing new phrases for already defined terms in making this decision. They also argued that implied defamation just means that the plaintiff needs to include more information to determine if the statement is capable of being defamatory. Moreover, it is the courts' responsibility to vigorously attempt to confirm that the alleged statement of defamation does hold the meaning the plaintiff alleges. They also argued that while they agree with the court's decision, but they believe they did not need to consider whether Blow's statements were accurate or not. Rather the only thing that was necessary to consider this case, was the knowledge that Blow's article was an opinion.