

Reigning in the Paparazzi

Not long ago a fight broke out on a Malibu beach between surfers and the paparazzi over the paparazzi's efforts to photograph Matthew McConaughey while he surfed. In the aftermath, a task force was established in Malibu to draft laws designed specifically to reign in the paparazzi. What happened? Nothing. Governments cannot pass laws separating the "legitimate press" from the paparazzi. More importantly, we already have laws on the books to protect celebrities - they just need to be enforced.

The First Amendment does not give the paparazzi a license to trespass, steal, or intrude by electronic means. Further, California has laws that punish such conduct. For example, California Civil Code section 1708.8 provides treble damages and fines up to \$50,000 when a paparazzo knowingly enters on private property without permission or uses a telephoto lens to intrude on a celebrity when they have a reasonable expectation of privacy.

Businesses in Malibu have taken an extra step by creating so called "paparazzi free zones." At the Lumberyard, a high-end shopping area in Malibu, the owners took an artistic approach and posted a paparazzi free zone medallion that looks like a cross between a ninja throwing star and a circular saw blade with a camera in the middle. The Point Dume Shopping Plaza in Malibu took a more legalistic approach and posted a sign that declares "Warning to the Paparazzi: Point Dume Village is private property and ownership does not allow anyone to enter upon these premises for the purpose of taking photographs of persons without their permission."

It's debatable whether paparazzi free zones do anything more than inform the public (and the paparazzi) that the owner doesn't like the paparazzi.

So what's the real problem? The public's insatiable desire to know every last detail about a celebrity's personal life – where they shop, where they go to dinner and who they are dating. We are paparazzi enablers. If there weren't a market for photos of celebrities surfing or having a latte or shopping at Cross Creek, no one would follow the celebrities to get their picture to sell to the tabloids. Stop buying the magazines and the paparazzi lose their economic incentive to do what they do.