

An Embarrassed Stripper and Bashful Lovers

In the Case of the Embarrassed Stripper (*Puckett v. American Broadcasting Companies*), Tammy Puckett sued ABC after her image appeared in a news segment about the illegal activities of several people associated with the Continental Club, a strip club in Knox County, Tennessee.

ABC's news magazine program "20/20" ran a story about the former manager of the Continental Club who had been convicted of crimes related to a contract murder ring. Puckett was a stripper at the club and, surprise surprise, her image appeared in the background of the news segment while she was performing her job duties – i.e., stripping. Puckett also performed lap dances but those performances were not caught on film.

Puckett sued for, among other things, public disclosure of private facts. Apparently her college classmates didn't know she was a nude dancer.

In an unpublished opinion from the United States District Court for the Eastern District of Tennessee, the Court held that because any male of legal age could gain admittance to the club if he paid the \$5.00 admission fee, Puckett's activities were open to the public. In other words, her "private facts" weren't private and her lawsuit failed.

In the Case of the Bashful Lovers (*Gill v. Hearst Publishing*), a husband and wife were seated, as the court put it, "in an affectionate pose at their place of business," a candy store at the Farmers' Market in Los Angeles. An employee of "Harper's Bazaar" magazine snapped a photograph that was published in the October 1947 issue. The photo was to illustrate an article entitled "And So the World Goes Round," a commentary reaffirming "the poet's conviction that the world could not revolve without love." There were five other people visible in the photo.

The married lovers sued the publisher for invasion of privacy. The California Supreme Court noted that the photo merely permitted the members of the public to see the couple as they "had voluntarily exhibited themselves." To hold otherwise would mean that we would have an absolute right to prevent the publishing of any photo taken without permission. News coverage of parades, riots, or, perish the thought, Mardi Gras would cease.

The takeaway lesson, a person's picture might be a private fact but not when the photo is taken in a public or semi-public place.