

Recent Decision Shows the Heavy Burden of Actual Malice in Defamation Suits

A photograph of a modern building with a curved glass facade, showing multiple floors and windows, set against a light blue sky.

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Ever since the landmark case *New York Times Co. v. Sullivan*, 376 U.S. 254 (1964), to succeed on a defamation claim, plaintiffs who are also public figures have a constitutional requirement to show that the defendant acted with “actual malice” — i.e., knowledge that the allegedly defamatory statement was false or reckless disregard as to its truth or falsity. This requirement is buttressed by anti-SLAPP statutes enacted in many states. See, e.g., N.Y. Civ. Rights Law § 76-a(2). This requirement has become harder and harder for defamation plaintiffs to satisfy, as exemplified by a recent case, *Satanic Temple, Inc. v. Newsweek Magazine LLC*, --- F. Supp.3d ---- (S.D.N.Y. 2025).

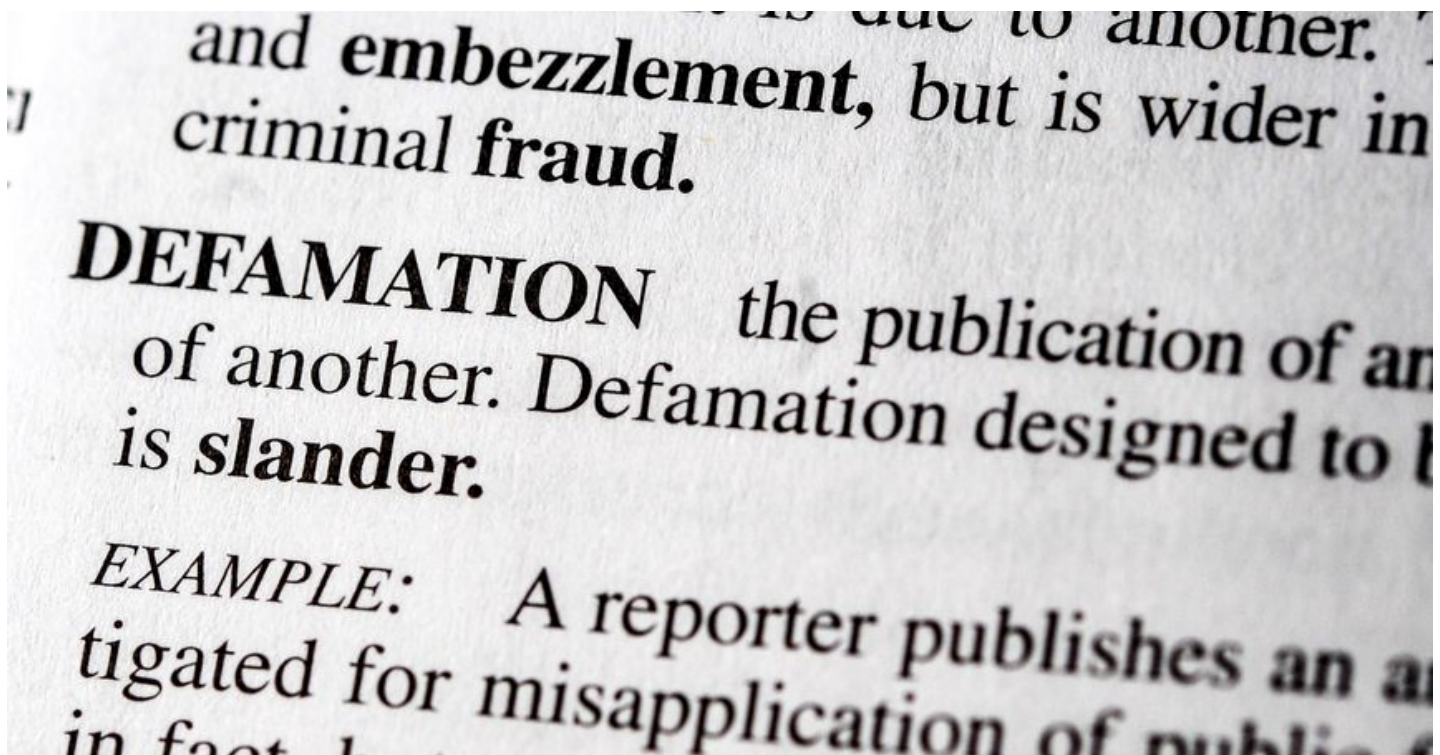
In that case, Newsweek published an article about the Satanic Temple, including a statement that there was “more than anecdotal evidence” of sexual abuse at the Temple, *id.* at *1. Despite Newsweek’s editorial guidelines requiring credible sources and an opportunity for organizations accused of wrongdoing to comment, the statement came from a “semi-anonymous” source that could not be independently verified, *id.* at *2, and the Temple was not asked for comment, *id.* In addition, the Court determined that an email from the author of the article could support a finding that she was biased against the Temple at the time of writing the article, *id.* at *14.

Although the Court found that Newsweek had “fail[ed]” to show that the Satanic Temple was a public figure, *id.* at *9 n. 5, it analyzed whether the statement was nevertheless made with

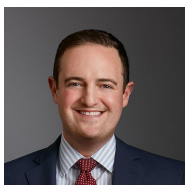
“actual malice” pursuant to New York’s anti-SLAPP statute. The Court determined that Newsweek’s publication of the allegedly defamatory statement on its website and the “growing awareness of and activism surrounding the topic[] of sexual misconduct” placed the statement within the statute’s purview. *Id.* at *9.

The Court ultimately granted Newsweek summary judgment due to the Satanic Temple’s failure to present enough evidence to allow a reasonable jury to determine that Newsweek acted with actual malice. It reached this conclusion even though there was evidence of Newsweek’s “fail[ure] to follow its own internal Editorial Guidelines” and “evidence of bias,” reasoning that neither was sufficient for a reasonable jury to find that Newsweek’s publication was made with actual malice. *Id.* at *10, 14.

The *Satantic Temple* decision reinforces the heavy burden on defamation plaintiffs whenever the actual malice requirement applies to their claims.



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