The Right of Privacy and the Right of Publicity

It’s not just about tabloids and fame

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week's up because the Big Nurse is gone for two days then and we can speculate that those two days might be Saturday and Sunday and another week is up—but you can see it's surely nothing to bank on.

The Big Nurse is able to set the clock at whatever speed she wants by just turning one of those dials in the steel door; she takes a notion to hurry things up, she turns the speed up, and those hands whip around that disk like spokes in a wheel. The scene in the ward with picture-screen goes through rapid changes of light to show Morning, Noon, and Night—throb off and on furiously with day and dark, and everybody is driven like mad to keep up with that passing of fake time; awful scramble of shaves and breakfasts and appointments and lunches and medications and ten minutes of night so you barely get your eyes closed before the dorm light's screaming at you to get up and start the scramble again—go like a monstrosity this way, going through the full schedule of a day maybe twenty times an hour, till the Big Nurse sees everybody is right up to the breaking point, and she slacks off on the throttle, eases off the pace on that clock-dial, like some kid been fooling with the movie picture projection machine and finally got tired watching the film run at ten times its natural speed, got bored with all that silly scampering and insect squeak of talk and turned it back to normal.

She's given to timing up the speed this way on days like, say, when you got somebody to visit you or when the VFW brings down a smoker show from Atlanta times like that, times you'd like to hold and have stretch out. That's when she speeds things up.
Right of Privacy

State Law

Four Different Actions

- “intrusion into seclusion”
- “public disclosure of private facts”
- “false light”
- “appropriation”
Archives, Museums and Privacy

Defenses available
- Death
- Consent, preferably in writing
- Newsworthy

Presumption of privacy
- Medical or psychiatric records
- Information obtained during a client relationship
Right of Publicity

- State Law
  - “Unauthorized commercial use of a person’s name, likeness, or other personal attribute.”
  - In some states only extended to “celebrities” who have exercised a commercial interest in their persona.
Archives, Museums and Publicity

Defenses available

- Consent, preferably in writing
- Newsworthy
- Death may not be a defense
other patients on the ward, but everything in its own good time.

Mr. McMurry. I'm sorry to interrupt you and Mr. Bromlen, but you
do understand: everyone ... must follow the rules."

He tips his head back and gives that wink that she isn't fooling him any more than
he did, that he's onto her. He looks up at her with one eye for a minute.

"Ya know, ma'am," he says, "ya know ... that is the ex-act thing somebody always
tell me about the rules ..."

He grins. They both smile back and forth at each other, sizing each other up.

"... just when they figure I'm about to dead opposite."

Then he lets go my hand.