

The Right of Privacy and the Right of Publicity

It's not just about tabloids and fame

**Heather Briston
Special Collections and University Archives
University of Oregon**

Kesey

~~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 ^{well} 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 picture screen ^{windows} goes through rapid changes of light to show Morning, Moon 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 song ~~bitch~~ 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 ~~turning~~ turning 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 ~~Pitlan~~ ^{Pitt} times like that, times you'd like to hold and have stretch out. That's when she speeds things up.

Larry:

Sorry about the machine. It's up such a see that chunks of whatever comes off with a hostility & very metal and in

In fact, I'm
I may someday
write them; and
for this thinking
moving a good
was wrapped in tape
the sweater scenes
yellow paper, with
left of the line


KEN
SELECTIONS FROM THE PAPERS



Right of Privacy


- State Law

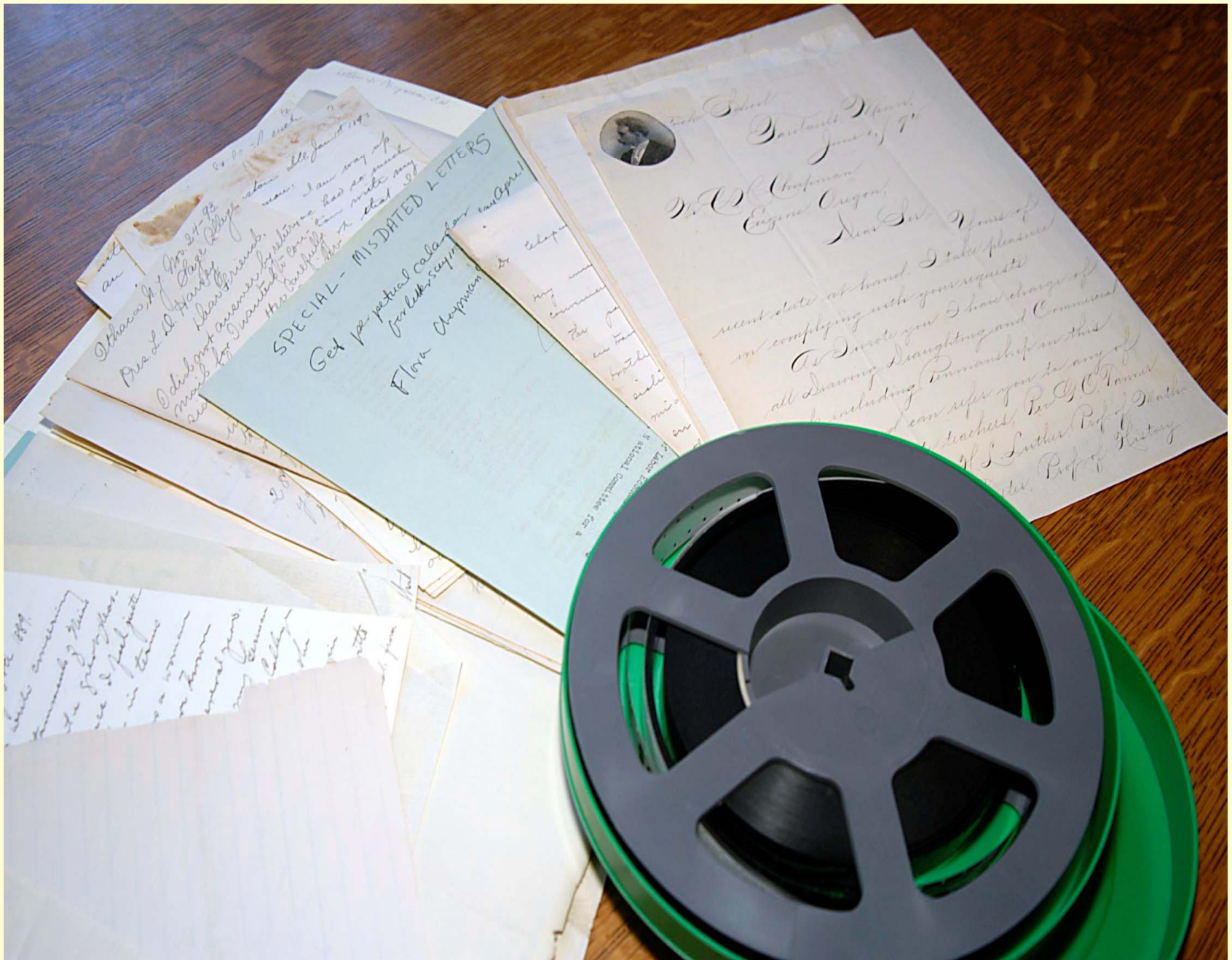
- Four Different Actions

- “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
- 



not an
 Othmanish
 Apr 24-73
 Dear Mr. [unclear]
 I saw my [unclear]
 had so much
 to write my
 dear friends
 this [unclear]
 I am all yours
 all yours
 all yours

SPECIAL - MISDATED LETTERS
 Get perpetual calendar for April
 for [unclear]
 Flora Chapman



W.W. Chapman
 Eugene Oregon
 June 1st 76

Dear Sir, Yours of
 recent date at hand. I take pleasure
 in complying with your request.
 As I note you I have charge of
 all Drawing Draughting and Commercial
 including Penmanship in this
 I can refer you to any of
 teachers, Prof. C. Tanner
 H. L. Luther, Prof. of Math
 Prof. of History


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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



SELECTIONS FROM THE PAPERS OF KEN KESEY

And its mine, NINE!



athex Kesey

other patients on the ward, but everything in its own good time.

Mr. McMurry. I'm sorry to interrupt you and Mr. Bromien, 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 I 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.

~~do understand: everyone~~

~~He tips his head back and give that wink that she isn't fooling him any more than I 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 tells 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.~~

(but
I
my

REPRODUCED WITH THE PERMISSION OF FAYE KESEY

WDT THE HELL,
JUST ONE AIM
HURT YOUR

