Opinion

There's a price we pay for freedom of the press

Amy Couvillon

You wonder sometimes, how far should "freedom of the press" extend? Should a smutty, tacky publication like Hustler magazine be able print something completely outrageous and untrue about a religious leader — without any kind of legal check?

A parody that Hustler printed in 1984 — depicting evangelist Jerry Falwell as an alcoholic who had sex with his mother in an outhouse — was offensive in the extreme. Yet the U.S. Supreme Court recently overturned a $200,000 award that a lower court had awarded to Falwell for "emotional distress." Should the Constitution protect malicious attacks such as this?

Distasteful as it is to some, the Constitution sometimes protects smut. And it must.

"It's easy to stand up for nice talk from nice people, but the First Amendment protects all speech, even the outrageous," Paul McMasters of the Society of Professional Journalists said after the Supreme Court's ruling.

To win a libel judgment against the media, a public figure must prove that the journalist knew a damaging statement was false or published it with "reckless disregard" for the truth. But the parody in Larry Flynt's Hustler, the court said, was not "reasonably believable," so it fell into the category of satire and was thus protected as free speech. The justices ruled that "emotional distress" lawsuits filed by public figures targeted by such spoofs should be as difficult to win as libel suits.

The justices' ruling rejected Falwell's arguments — and a federal appeals court's ruling — that some parodies are so outrageous that they do not deserve legal protection. The court held that freedom of the press must not be compromised by restraints based on something as subjective as "outrageousness" or hurt feelings.

"Outrageousness in the area of political and social discourse has an inherent subjectiveness about it which would allow a jury to impose liability on the basis of the jurors tastes or views," said Chief Justice William Rehnquist, adding that such results are not consistent with the Constitution.

Falwell has said "I am sure the justices, in view of Larry Flynt, were holding their noses while making the ruling." He's probably right. But had the court decided in Falwell's favor, satire, political cartoons, and perhaps eventually all opinionated comment about public figures would have been vulnerable to similar lawsuits. Humorists like Garry Trudeau (Doonesbury) and Berke Breathed (Bloom County) could be sued — and perhaps have to pay huge amounts of money in damages — whenever their cartoons caused someone "emotional distress."

News organizations were relieved by the ruling.

"Editorial cartoons have been a particular target of lawsuits lately," McMasters said. "The court was right to speak up so forcefully of behalf of . . . the tools editorial cartoonists use so well."

Editorial cartoonists are practiced in the art of making public figures look silly. And many times the public figures deserve to be made to look silly.

Exaggerated commentary, like Art Buchwald's syndicated columns, and cartoons help readers to understand and evaluate the actions of newsmakers. Any chilling effect on cartooning and other satire will deprive the media of something valuable and useful.

When I was an intern at the *Houston Post* I used to watch editorial cartoonist Jimmy Margulies as he made fun of Gov. Bill Clements, President Reagan and anyone else who happened to goof in the public eye.

When Gary Hart rejoined the race for the Democratic nomination despite his much publicized tryst with a M model, Margulies had a field day cartoon the next day suggested Hart may not carry the Sun Belt or Bible Belt, but sure needed to carry Chastity Belt. And there was a little toon figure of Hart with a mede looking chastity belt fastened on corrct place.

Margulies' cartoon may not been completely factually correct. such a parody may have hurt H feelings. But it is valuable in the discusison of news events and public ures — discussion that the Supre Court ruling defended as "robust p cal debate."

Satire and cartoons like Marg certainly shouldn't be subjected to motional distress" lawsuits. And if have to protect an occasional Hustle protect all opinion writing, then tha price we have to pay.

Amy Couvillon is a senior journa major, city editor and columnist The Battalion.

Was it fight or fright for Pat in the war?

Mike Royko

What a spoilsport Pat Robertson turned out to be. After filing a $35 million lawsuit to defend his alleged honor, he's now trying to drop the whole thing.

Now we'll never know if he was the heroic, patriotic young Marine lieutenant he claims to have been. Or if he really asked his powerful daddy, a U.S. senator, to keep him away from the front lines of the Korean War.

The whole purpose of the lawsuit was to answer these questions and to punish Pete McCloskey, a former congressman and Marine, who said that Robertson was chicken back in 1951, when they were both on a Korea-bound troopship.

In fact, McCloskey says Robertson is still chicken for backing out of the lawsuit after McCloskey went to all the bother of preparing his defense.

McCloskey says his defense would include testimony from other Marines on the same troopship, who remember Robertson talking about how his daddy would make sure he got off in Japan.

Robertson did wave goodbye to his buddies in Japan. And he remained there for four months while most of the others went on to fierce combat duty. Many died. Others, such as McCloskey, suffered terrible wounds.

McCloskey says his defense would also include evidence that when Robertson finally reached Korea, he was tucked safely behind the lines where his duties included being a liquor officer.

The accusation that he was a liquor officers seems to irk Robertson as much as being labeled chicken. He has vehemently denied ever being a liquor officer and says no such military position ever existed.

That surprises me. Of course liquor officers existed. I even knew one. He used to fly to Japan and return with a planeload of liquor. We considered him to be the most admirable, essential officers in the outfit. In any popularity poll, he would have scored far higher than, say, the mess officer, who gave us chipped beef on toast, or the chaplain, who gave us lectures on shunning lewd women. The liquor officer just gave us hootch.

So I don't understand why Robertson is so incensed at being called a liquor officer. While it may be true that an army travels on its stomach, there are pleasant moments when a good liquor officer makes it possible for it all to fall fla its back.

But to get back to Robertson's law and his last-minute decision to drop

He says he would have preferred have a trial and prove that McClos was a liar, but he just doesn't have t because he's so busy running for pr dent.

If he pursed the matter, Rober says, he'd have to stop campaigning begin preparing for the trial, which scheduled to begin March 8, which Super Tuesday, the big primary down South.

And that could deprive the Ameri people of an opportunity to make our next commander-in-chief.

All that could be true, I suppose. Robertson filed the lawsuit about a and a half ago, so I would think his yers would have their case thorou prepared by now.

And on Super Tuesday, as on other voting day, there isn't much th candidate can do besides show up polling place early to have his pic taken.

After that, it's just a matter of wai for the polls to close and the vote co A candidate might just as well wait courtroom as anywhere else.

In fact, it isn't likely that Rober would have to spend much time in co at all. In many trials, including cases, the plaintiff and defendant do have to be there most of the time. lawyers throw motions around, judge rules of them, the witnesses tify, the jury listens. About the only Robertson would have to be in co would be when he testified.

Even that appearance wouldn't nificantly interrupt his campaign, his testimony would bring him scad publicity, which is what campaigning all about.

So I don't understand why Rober had chosen to miss the opportunity defend, as he put it, his honor.

The trial would be a chance for to describe his combat experience, his official biographies have always he was a "combat Marine."

And it would give him a chance to plain a happy letter that his late fat sent to a friend, passing along the g news that a big general had told that Pat would remain in Japan a w for special training.

So it's disappointing that Rober would decide to drop out just when action was about to begin.

Of course, McCloskey would say it wasn't the first time.

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Mail Call

Demonstrations will do no good

EDITOR:

Apartheid is right. Apartheid is wrong. Nelson Mandela is Satan. Nelson Mandela is a saint. Which is correct? We'll never know, if our newest architectural assault on aesthetics is the Students Against Apartheid's most eloquent argument against apartheid in South Africa.

It is insulting to the Texas A&M student body to presume that a shanty, spray-painted with political slogans, will do anything to enhance our knowledge or appreciation of the situation in South Africa. This eyesore only serves to alienate the S.A.A. from the mainstream of the student body and shifts debate away from the issue at hand — the institution of apartheid.

Apartheid shacks and group sit-ins may be in vogue at UC-Berkeley or UT-Austin, but these tactics are neither effective nor appreciated on the A&M campus. A well written letter or editorial in *The Battalion* or *The Eagle* has every bit as much exposure as a shack set up in front of the Academic Building and can do what a spray-painted slogan can never do — inform the student body about facts and correct fallacies. I'm confident that Aggies are capable of formulating an intelligent opinion based on facts. I hope the S.A.A. will throw down the graffiti artist's spray paint can and pick up the journalist's pen. While you're at it, grab a crowbar.

Larry Cox '88

Let's hear it for the band

EDITOR:

Friday night at about 11:30 I saw something that didn't surprise me. There were between 15 and 20 BQs ganging up on one other CT. From what I could gather, the lone CT had consumed too much alcohol and attempted to cross the "sacred" drill field. I guess that he didn't make it. When I saw it, the 15 or 20 BQs were beating on him and threatening to break his neck. The drunk CT could hardly stand up, much less fight back. Are the BQs such cowards that it takes 20 of them to stop someone who is too drunk to stand up from crossing "their" field? One or two could have done just as good a job, but then they couldn't show their courage in numbers. When they realized that they were being watched, one of them said, "Some CTs are such smart-asses," as if that was supposed to uphold their action. Thanks guys, my image of the band has been upheld.

Steve Smith '89

Don't blemish the campus

EDITOR:

How many Aggies out there are proud of their campus? I know I am! And to be walking across campus and see a degrading shack constructed in the middle of our campus was very offensive.

I understand the anti-apartheid group's disapproval of the racially biased South African government, and its members certainly have the right to express their opinions; however, I don't believe blemishing our campus is the acceptable way of doing this.

Maybe the group should direct its energies toward actions for their cause that are more constructive rather than degrading to our beautiful campus.

John West '91

Letters to the editor should not exceed 300 words in length. The editorial staff reserves the right to edit letters for style and length, but will make every effort to maintain the author's intent. Each letter must be signed and must include the classification, address and telephone number of the writer.

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