



Jerry Falwell V Larry Flynt: The First Amendment on Trial

Rodney A. Smolla

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This discussion of the First Amendment is based on the Falwell v. Flynt libel suit, recounted in colorful detail. Smolla, a William and Mary College law professor, helped write a "friend of the court" brief to the U.S. Supreme Court, which early this year overturned a \$200,000 damage award to the evangelist for "intended" infliction of emotional distress he claimed to have suffered as a result of Hustler magazine's portrayal of him engaged in drunken sex with his mother in an outhouse. Making legal complexities accessible to the lay reader, the author demonstrates how the case reflects current cultural and moral attitudes grounded in collective community judgments between opposing ideals of a pluralistic society, in which some view the Constitution as a moral charter and others believe in public access to all ideas or fields of human interest, sometimes at the expense of the privacy of public figures. In a unanimous decision, the Supreme Court, stresses the author, in effect extended freedom of speech beyond verifiable fact to expressions of opinion even of an offensive nature.

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