

# Legal case: hustler vs. falwell



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Hustler v. Falwell Hustler Magazine versus Jerry Falwell was a case that involved many key elements. First of all it was a case that examined if a public figure such as Jerry Falwell could collect for emotional damages sustained to him by a parody that was published in an issue of Hustler Magazine. Secondly, did Hustler invade Falwell's privacy by publishing the contents of the parody? The most important aspect of the case, that was under review, was if Hustler was in accordance with their First Amendment Rights, of freedom of speech, by publishing the parody. The parody in question was published in an issue of Hustler in a faux advertisement for Campari Liqueur. In the advertisement entitled, " Jerry Falwell tells about his first time," Falwell is portrayed as giving an interview. In the fake interview Falwell talks about his first sexual experience, which was with his mother, and describes how he was drunk and the experience took place in an outhouse. The interview also tells how Falwell doesn't go out in front of the pulpit unless he's " sloshed." The district Court found Hustler Magazine liable for Falwell's emotional distress and granted him 100, 000 dollars in damages. However, the court did rule in favor of Hustler in that they did not invade Falwell's privacy since he was a public figure. They also ruled against Falwell's libel claim, stating that Hustler did not publish anything that a reasonable person would misinterpret as the facts. The big argument in the case, when it was introduced to the Supreme Court, was if the District Court had deprived Hustler Magazine of their First Amendment rights. Since Hustler was a magazine of nationwide circulation and since Falwell is a national figure Hustler argued that the parody was in no way wrong since any reasonable person would identify it as humor rather than facts. The Court agreed and it found that Falwell should not be rewarded any damages.

The Chief Justice Rehnquist presided over the case. In his statement of opinion Rehnquist acknowledged that the article wasn't of the best taste. He also acknowledged that there isn't really a good way to distinguish between cases of this nature. His argument of this was since all jurors have different views and opinions that verdicts in cases such as this would be of opinion rather than clearly defined by the law. He acknowledged that not all speech is protected equally by the First Amendment but this case didn't possess such speech. Chief Justice Rehnquist overturned the initial ruling of the District Court and rather ruled in favor of Hustler, reversing the emotional distress ruling of the lower court. I agree with Chief Justice Rehnquist, if there is no malice, then it would be very hard to distinguish between "good" and "bad" in cases of public figures. Although in my opinion Hustler was morally wrong in producing this parody another person may argue differently. Since this is not a black and white issue then I think it should be protected by the First Amendment.