

People vs. larry flynt



**ASSIGN
BUSTER**

After watching the film *The People vs. Larry Flynt*.

Larry Flynt, it is clear that the major message is that all Americans have rights under the constitution. Although in some cases many Americans may not always agree with each other, it is their right and freedom to do so under the Bill of Rights. In particular the first amendment is a major focus of the film. Throughout the entire movie the Larry Flynt character (Woody Harrelson) defends the fact that he is an American, therefore like all other Americans he is protected by the bill of rights and is entitled, specifically, to freedom of speech and freedom of the press. The film is a good portrayal of how our society and government perceive things as right or wrong. One of the most notable parts of the film is where the Flynt character argues with activists saying, " Murder is illegal but if you take a picture of it you may get your name in a magazine or maybe win a Pulitzer Prize. He continues his argument by saying " sex is legal, but if you take a picture of that act, you can go to jail.

" The point the film makes relates directly to the text in chapter two under " institutional adaptation" which states that in order for the constitution to remain viable , it must be able to adapt to changing times and deal with matters the authors could hardly have anticipated (p. 33). The film points out many weaknesses and flaws in the way courts are operated in America.

There is one part in the movie where Flynt's lawyer Alan Isaacman (portrayed by Edward Norton) tries to present what he feels as evidence to the jury, the judge refuses to let him show the evidence (other pornographic magazines.) Although it is completely legal for a judge to refuse evidence, it shows that a man who is entitled power can still be very biased towards their

own ideas and beliefs. The film is a very accurate portrayal of the true events since the film is based in part on the U. S.

Supreme Court case *Hustler Magazine v. Falwell*. The United States Supreme Court held, in a unanimous 8-0 decision Justice Kennedy took no part in the consideration or decision of the case, that the First Amendment's free-speech guarantee prohibits awarding damages to public figures to compensate for emotional distress intentionally inflicted upon them. Thus, *Hustler* magazine's parody of Jerry Falwell was deemed to be within the law, because the Court found that reasonable people would not have interpreted the parody to contain factual claims, leading to a reversal of the jury verdict in favor of Falwell, who had previously been awarded \$200, 000 in damages by a lower court. The First Amendment is the recognition of the fundamental importance of the free flow of ideas and opinions on matters of public interest and concern. The freedom to speak one's mind is not only an aspect of individual liberty but also is essential to the common quest for truth and the vitality of society as a whole. The First Amendment envisions that the political debate that takes place in a democracy will occasionally yield speech critical of public figures.

The Court held that the First Amendment gives speakers immunity from sanction with respect to their speech concerning public figures unless their speech is both false and made with the knowledge of its falsehood or with reckless disregard for the truth of the statement. Although false statements lack inherent value, the breathing space that freedom of expression requires in order to flourish must tolerate occasional false statements, lest there be an intolerable effect on speech that does have constitutional value. Falwell

argued that the Hustler parody advertisement in this case was so "outrageous" as to take it outside the scope of First Amendment protection. But "outrageous" is an inherently subjective term, susceptible to the personal taste of the jury empanelled to decide a case. Such a standard "runs afoul of our longstanding refusal to allow damages to be awarded because the speech in question may have an adverse emotional impact on the audience". So long as the speech at issue is not "obscene" and not subject to First Amendment protection, it should be subject to the actual-malice standard when it concerns public figures. Clearly, Falwell was a public figure for purposes of First Amendment law.

Because the district court found in favor of Flynt on the libel charge, there was no dispute as to whether the parody could be understood as describing actual facts about Falwell or events in which he participated. Accordingly, because the parody did not make false statements that were implied to be true, it could not be the subject of damages under the New York Times actual-malice standard. The Court thus reversed the judgment of the Fourth Circuit.