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Some of the authors of this publication are also working on these related projects:

- Suicide
- Internet Ethics

Smolla has three objectives within his book: 1) to explain the First Amendment to non-lawyers; 2) to chronicle the residue of the sexual revolution from a constitutional perspective; and 3) to describe the legal grudge match of the century—Jerry Falwell versus Larry Flynt. The litigants need no introduction; their names have become household words. However, to briefly review the case, Flynt published a double-barrel “ad parody” mocking both Jerry Falwell and the ad campaign for Campari Liqueur. The advertisement is reprinted in Appendix I of the book (page 313). With obvious jest, the advertisement has Rev. Falwell admitting to an incestuous relationship with his mother in an outhouse while in a drunken stupor. Clearly, the advertisement was in poor taste and offensive to Falwell, but was it defamatory? The reader knows in advance that poor taste does not give rise to a legal remedy; however, Smolla's trek to reach this conclusion is more fascinating than the conclusion itself.

The author spends a great deal of time setting the stages. He outlines much of the recent legal history of the First Amendment and pornography. He vividly portrays the lives and lifestyles of Larry Flynt and Jerry Falwell and their attorneys, and includes a brief social and legal history of the Supreme Court. Smolla does nothing less than an excellent job. He writes with a profound sensitivity and lucidity that is quite rare in the sterile writing of civil litigation. The hallmark of his creative writing ability is the use of humorous legal history to explain abstract legal concepts. For example, in explaining the implications for
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jury selection in Roanoke, Virginia, Smolla writes:

A sharecropper was charged with the crime of stealing the mule of his landlord.... The landlord was rich and arrogant, without many friends among the common folk. The evidence against the sharecropper, however, was overwhelming. The judge gave the instructions to the jury, laying down the law with meticulous care. In five minutes the jury returned...."We, the jury, find the defendant not guilty, provided that he returns the mule."

The judge was beside himself and brought his gavel down sharply on the bench, saying, "There is no such verdict in the law. The defendant is either guilty or not guilty." The judge painstakingly repeated his legal instructions and told the jury to retire and come back with a lawful verdict.

Once more, the jury returned in only five minutes...."We, the jury, find the defendant not guilty. And he can keep the mule." (pages 157-158).

Smolla is a brilliant writer. His talent lies in an ability to explain the complex issues of the First Amendment while entertaining his readership. Although most readers realize that Falwell eventually lost the case, Smolla assumes no prior knowledge, and is able to relate the unfolding events in a non-patronizing manner. I recommend this book to social workers who want to learn more about the First Amendment.

Besides lucid and entertaining writing, Smolla's book has two other technical qualities. First, at a time when the general public perceives that there are as many attorneys passing the Bar as behind bars, Smolla provides a refreshing insight to the legal profession. Smolla describes the lawyers as earnest advocates and diligent workers, having uncompromisingly high standards of practice, thus offering law students admirable role models and redeeming the legal profession for cynical readers. Second, the book contains a comprehensive index, and can be used by social work students as a beginning reference tool. Most importantly, however, Smolla's book can capture the imagination of the reader and induce an intellectual thirst for a deeper understanding of the First Amendment, a primary foundation for individual rights.