

# Free-speech struggle vividly told

Make No Law, The Sullivan Case and the First Amendment, Anthony Lewis, Random House, 1991, 325 pgs.

New York Times columnist Anthony Lewis has written a thriller.

But unlike other popular authors who pen fictional accounts of Soviet/American or Arab/Israeli conflict, Lewis has authored a volume revolving around the U.S. Supreme Court's historic decision, *New York Times v. Sullivan*.

It's spellbinding and better yet the true tale of how a common thread of Constitutional thought has been woven together throughout the decades to arrive at one of the most important free-speech decisions in American history.

The Sullivan decision, which for the first time brought libel under the jurisdiction of the First Amendment, began in March 1960 when the New York Times ran a full-page advertisement defending Martin Luther King Jr. and the civil rights movement — and attacking "Southern violators of the Constitution."

Montgomery, Ala., city commissioner L.B. Sullivan, in charge of the police, fire, cemetery and scales departments, took exception to the advertisement. He maintained it libeled him, even though he wasn't mentioned.

The advertisement criticized the action of Montgomery police for their handling of civil rights protesters on the state capital steps.

THE CASE traveled through the Alabama court system, with the



## books

Steve Barnaby

New York Times losing at every turn. Traditionally, libel law had fallen under the jurisdiction of the state governments.

The Times, although its Alabama circulation numbered only in the hundreds, was concerned that if Sullivan was successful, a chilling effect would inhibit newspapers from informing readers of the civil rights movement in the South.

So concerned was the newspaper community that both the Chicago

Tribune and the Washington Post filed briefs as friends of the court, urging the U.S. Supreme Court to reverse the Alabama judgment.

The Alabama court decisions amounted to \$3 million in penalties. The Times was not only sued by Sullivan but also other state government officials, including the governor. Also named in the Sullivan suit were four black Alabama ministers whose names appeared on the advertisement.

Lewis regales the reader with fascinating background material, essential to the understanding of the Sullivan decision. He recalls the Sedition Act of 1798, which made it a crime to criticize the government, and shows how its spirit was revived during World War I to threaten free speech.

THE MORE exciting and dramat-

ic chapters deal with how the dissident opinions of Justices Holmes and Brandeis, two disparate personalities, survived to become the law.

You'll struggle along with Herbert Wechsler, who fashioned the Times' winning strategy and who took his responsibility in an "intensely private way."

And you'll sit on the edge of your chair as Justice William Brennan scurries about the hallowed chambers seeking a majority, only coming up with a unanimous decision after writing eight different drafts.

Lewis' book is important because it shows how public debate is relevant to everyone in America, not just the media.

As Brennan concludes, "debate on public issues should be uninhibited, robust and wide-open and that it may well include vehement, caustic and sometimes unpleasantly sharp attacks on government and public officials."

LEWIS CONCLUDES his book by noting some of the developments since Sullivan, which disturb the process of free speech.

"The modern way to silence criticism is to price it out of existence with protracted libel litigation," said Philadelphia Inquirer editor Eugene Roberts.

This is a book that will make you think about America's past and its future, something important for everyone who values democracy.

Steve Barnaby is managing editor of the Observer & Eccentric newspapers.



## Painter wins award

"Infinite likenesses," acrylic on canvas by Carl Angovevino of Warren, took second prize in the Celebrate Michigan Artists exhibition at Paint Creek Center for the Arts, 407 Pine, Rochester, through Sept. 20. This annual event, juried by Joseph DeLuca, draws entries from throughout the state and presents an innovative, contemporary point of view. Hours are 10 a.m. to 5 p.m. Tuesday-Saturday.

## Fall sessions starting at FAR Conservatory

The FAR Conservatory of Therapeutic and Performing Arts, 1669 W. Maple, Birmingham (First Presbyterian Church), is having registration for its fall semester 10 a.m. to 1 p.m. Saturday, Sept. 7.

The FAR Conservatory, in its 17th season, is an instructional center that uses the creative and therapeutic arts to serve children and adults with physical, mental and emotional

impairments. It serves the tri-county area.

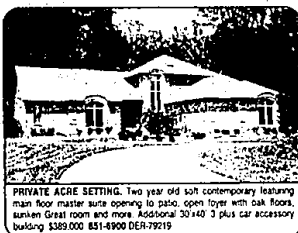
Classes offered include music/musical therapy, art/art therapy, movement/dance therapy, gymnastics, drama/drama therapy.

The fall session begins the week of Sept. 16 and concludes Jan. 31. For information, call the FAR office, 646-3347.

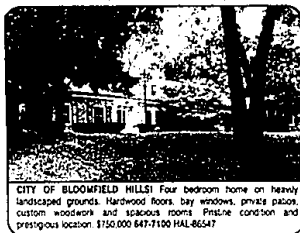
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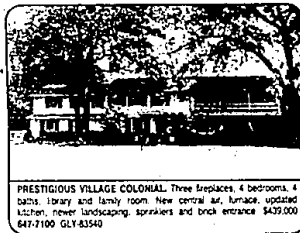
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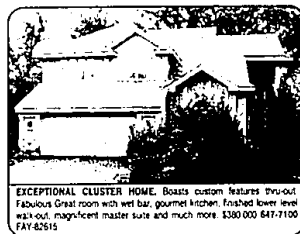
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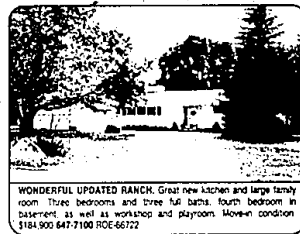
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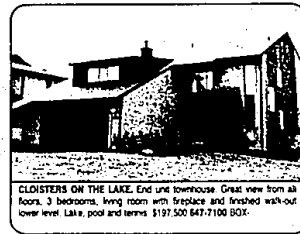
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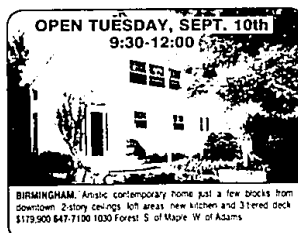
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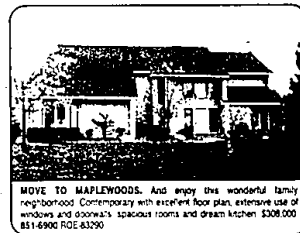
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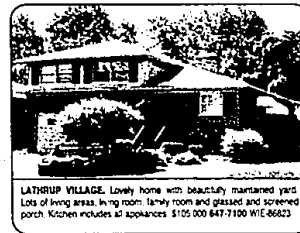
**OPEN TUESDAY, SEPT. 10th 9:30-12:00**  
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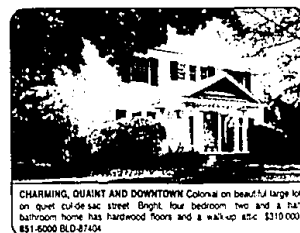
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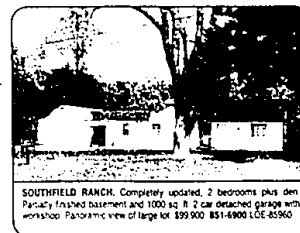
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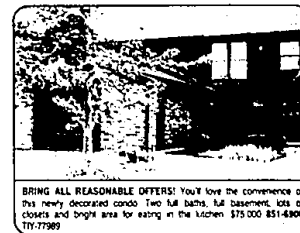
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