

DISREPUTABLE DEFENDERS OF THE FIRST AMENDMENT: FROM COLONEL
MCCORMICK TO LARRY FLYNT

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When I was growing up on the North Shore of Chicago in the 1960s and 70s -- in a minority political milieu that might be described as radicalized liberal bourgeois -- I had many bêtes noires -- almost all of them very much alive. Prominent among them was Mayor Richard Daley, thuggish enemy of all things reformist. One part boss, one part hack, one part slavish follower of that ultimate party boss and fellow bête noire, President Lyndon Johnson, Daley stood for everything we were against. To put it in the contemporary language of political correctness, Daley was not, shall we say, inclusive... nor was he a feminist, nor was he interested in civil rights for black people, nor was he in favor of freedom of the press, nor was he opposed to the war in Vietnam. The only thing he shared with us liberal suburbanites was the good sense to keep his two sons, who include the current mayor of Chicago, far away from the draft and the killing fields of Southeast Asia.

Indeed, we thought that Daley was a racist (he disrespected Martin Luther King and pushed around his black ward heelers); we thought he was anti-Semitic (especially after he seemed to scream, "fuck you, Jew mother fucker," at Senator Abraham Ribicoff at the 1968 Democratic convention); we thought he was a militarist, or even a fascist, when his police department, as Ribicoff had suggested, rioted against the antiwar demonstrators in Grant Park. What's more, he hated all the people we liked;

Daley's own bêtes noires were the public figures we most admired, like columnist Mike Royko of the *Chicago Daily News*, aldermen Leon Depres and William Simpson, and my future congressman Abner J. Mikva.

But in our somewhat secluded little world of liberalism there was a bête noire who in many ways stood above all others, by dint of his ongoing and pernicious influence on all things that mattered in our local culture. So powerful, so octopuslike, was this bête noire that we spoke of him in the present tense, even though he had died more than a decade earlier, in 1955. Compared with this bête noire, Richard Daley was an also-ran, a second-rater, a bit of ephemera. This bête noire was named Colonel Robert Rutherford McCormick and his legacy, or perhaps his curse on Chicago and on the state of Illinois, was the *Chicago Tribune*.

McCormick, you may recall, was fond of calling his beloved *Tribune* "The World's Greatest Newspaper." Indeed, he was so fond, and so certain of the truth of the claim, that he printed it on the front page every day.

A former *Tribune* foreign correspondent, the radical muckraker George Seldes, wrote in 1938 that "To us of the foreign service the daily proclamation that the Tribune was The World's Greatest Newspaper was a daily joke... Today most newspapermen, including numerous Tribune employees agree that if a vote were taken for the title 'The World's Worst Newspaper,' with the Fascist press *hors concours*, the ultimate choice

probably would lie between one of the Hearst journals and the Chicago Tribune."

"No newspaper in America has such an unbroken record of labor-baiting as the Chicago Tribune," wrote Seldes. "No newspaper has been as persistent in its Red-baiting campaign as the Chicago Tribune." And I might add that no newspaper was wilder in its anti-Roosevelt enthusiasms. The *Tribune* was full of Red plots even when I was a kid in the late 1960s, so in the 30s, with FDR at the height of his popularity... well, you can just imagine. One example from Seldes will suffice to illustrate. I quote:

"A happy combination of Roosevelt-baiting and Red-baiting was attempted by the Tribune in August, 1936, when it reported sensationally (but under a Riga dateline) `that Moscow had ordered Reds in the United States to back Roosevelt against Landon, [the Republican nominee]. To this story the Chicago Daily Times, only supporter of the President, replied with a front-page editorial challenging the Colonel to back up his incredible scoop," which according to Seldes, Moscow had called a fake: "`If the Tribune, or any other newspaper, can prove to the satisfaction of the American Society of Newspaper Editors and the American Newspaper Publishers Association that the Tribune's dispatch from Donald Day, dated Riga, Latvia, August 8th, with its heading, is true, the Times will donate \$5,000 to the work of the Freedom of the Press Committee of the ANPA...'

"Colonel McCormick refused to make a statement. He never took up the challenge. But, acting under the freedom of the

press for publishers, he ordered one of his cartoonists...to draw a picture of Soviet Russia shouting orders to American Reds to `Stop Landon.'"

But Seldes, as determined and as good as he was, didn't really do justice to McCormick. For the last word on the Colonel, we need to turn to the great A. J. Liebling, at one time a reporter on the *Providence Journal*, who remains unsurpassed as a media critic and whose own outstanding journalism gave him the moral authority and standing to criticize everybody else's journalism.

I can't match or paraphrase Liebling's prose in the *New Yorker* magazine -- indeed, nobody can -- so I'm going to have to quote from his famous 1950 essay titled the "Colonel Looks on Marathon," to give you some sense of the pernicious absurdity of the late publisher of what was known, I hasten to remind you, as **The World's Greatest Newspaper:**

March 25, 1950

Periodically, Colonel Robert Rutherford McCormick, publisher of the "World's Greatest Newspaper," quits his atomic-bomb-proof eyrie in his Symphony in Stone, the Tribune Tower, in Chicago, to soar off into the Wild Blue Yonder on a mission of aerial reportage. These missions are flown in a converted Flying Fortress named, in honor of the World's Greatest Newspaper, the Chicago Tribune. The Colonel bought the flying Chicago Tribune—as distinguished from the printed one, which he inherited—out of Government surplus, in 1948. There had been overproduction of Fortresses during the war, he told *Tribune* readers at the time, and he had got it less than the price of a small new plane. From the points where he alights, the Colonel tells *Tribune* readers what the world outside looks like to him (pretty dismal, except for a few bright spots, such as General MacArthur's Japan and General Franco's Spain). The proprietor of Dick Tracy, Moon Mullins, and John O'Donnell does not permit the syndication of his own contributions. By reserving them for the *Tribune*, he may feel that he is protecting the publication's position as the World's Greatest Newspaper. Whatever his reasons, as I have discovered while making Chicago my temporary headquarters, he is unjust to readers in less favored regions. For the Colonel is a travel writer in the great tradition, like De Tocqueville, Lemuel Gulliver, and George Borrow, and he brings back memories of Tom Sawyer and his balloon. The countries he visits merely provoke background.

A map and timetable of the Colonel's itinerary are published in the *Tribune* before each departure. On the present journey, which has been called by WGN, the McCormick radio station, "a three-continent fact-finding flight," the Colonel was scheduled to inspect Bermuda, the Azores, Spain, Greece, Egypt, Saudi Arabia, Pakistan, India, Burma, Thailand, Iran, Turkey, Italy, France, Denmark, and Iceland, in that order. On March 4, however, at which time the Colonel had reached Karachi, it was announced that he would skip Burma, because of "discouraging reports," and the *Tribune* of March 11 let it be known that he would also omit Iran. The latter news was carried in a modest Reuters dispatch, datelined Teheran, that read: "Col. Robert R. McCormick, editor and publisher of the Chicago *Tribune*, has notified the American embassy here that he has canceled his visit to Iran scheduled for March 14. He had already had 'satisfactory talks' with Shah Mohammed Riza Pahlavi in Pakistan, where he attended dinner in the Shah's honor, he said."

The same day's *Tribune* carried the following Associated Press item from Bangkok: "Col. Robert R. McCormick, editor and publisher of the Chicago *Tribune*, left today in his private plane for New Delhi, India. Col. McCormick, who during his two-day visit here had talked with Premier Pibul Songgram, said he believed the premier is conscious of the Communist threat to his country. He added that Thailand appears relatively prosperous."

There are not outstanding examples of the Colonel's knack of reaching and communicating conclusions rapidly. In an interview granted to Percy Wood, a *Tribune* correspondent, and some Egyptian newspapermen, in Cairo on March 2, the Colonel engineered a scoop of sorts by reporting on the condition of France, which he was not scheduled to visit until March 24. "France is atheist and anarchic," he said. "Her greatest hero, Pétain, is held in prison by his political opposition."

I said earlier that we liked to call Mayor Daley a "fascist," but this was loose talk. Not very well read and with a limited worldview, Daley, one suspects, understood no political concept more complex than that of intimidating a precinct captain or a judge with the loss of patronage or office, or punishing a dissident alderman by forgetting to collect garbage in his ward. McCormick, on the other hand, genuinely seemed to sympathize with actual fascists, like General Franco, the dictator of Spain. Here's Leibling describing the colonel's exclusive interview with the generalissimo:

The Colonel followed his dispatch from Bermuda with a byliner, twenty-four hours later, headed: COL. MCCORMICK REACHES MADRID. The piece ran about two columns. The Colonel did not miss the chance for another shot at Gomorrah. "After New York City...it was pleasant to get here where there is plenty of water and you don't feel you are depriving someone else when you take a bath," he wrote. "The first stop on our aerial tour was Bermuda," he continued, by way of recapitulation. "Everybody knows that Bermuda is a first-class winter resort." After a short-disquisition on the geology of islands, the Colonel noted, with perhaps a wistful thought for Chicago: "There is segregation of races in the schools and a rather small minority of white people keep control

of legislature by a heavy property qualification. All of the police are white. On the other hand, the colored people are contented and extremely well off.”

In Colonel McCormick’s first Sunday piece from Madrid, he wrote that he had had an interview with General Franco, whom he called “the originator of war as we have known it for the last fifteen years.” Franco, according to the Colonel, “originated the maneuver of moving troops by air.” (This innovation, by the way, has also been credited by the Colonel to Ulysses S. Grant. At the time he gave Grant the laurels, he explained that the Civil War general had moved troops by train but pointed that the principle was the same.) The Colonel also wrote that Franco had invented dive-bombing. (Colonel McCormick never cites authority, being it.)

Elsewhere in his report after interviewing Franco, the Colonel executed two journalistic maneuvers that were as innovational, in their way, as the martial ones he attributed to his subject. For one thing, he began his story, “I have just come from an interview with Gen. Franco,” and then didn’t tell anything the general had said. And he displayed even more originality in facing a problem that has long baffled many other reporters: how to present a colorful introduction without pushing the main part of the story down to the bottom of the page. The Colonel accomplished this by simply leaving out the introductory material and running it a week after what it was supposed to lead up to. His first piece, the main part of the story, consisted of an account of the Spanish Civil War as the flying publisher sees it in retrospect. The American Government, he said, sent “a Communist brigade, outrageously named Lincoln, to fight with the Spanish Communists. These men fought well, but did as much harm to their cause by their cruelty to civilians.” Despite the presence of this expeditionary force, the Colonel continued, Franco, with some German and Italian assistance, “originated the original blitzkrieg, broke through the defense, and rushed on without stopping to the capture of Barcelona. This practically ended the resistance. Franco granted amnesty to all nationalist soldiers who were not convicted of atrocities. Perhaps his trial of those guilty of atrocities furnished the example for allied trials of war criminals after the World War, but not for Justice Jackson’s legalized murder of German political leaders. Franco’s strategy was in the best tradition. His tactics were original. Whether Guderian or Patton improved upon them is open to question, but one denies that they imitated him. [No one except the Colonel, so far as I know, has even suggested it.] So Franco remains the greatest general to appear on the European scene. MacArthur’s great strategy of the Pacific was of a different nature. . . . Whatever we think of [Franco’s] political principles, no one can question his idealism or his patriotism. In addition to being a great general, he may turn out to be a great statesman.”

This is a funny piece, but being stuck with the *Tribune* as the dominant newspaper in town was not funny. To make matters worse, the colonel's successors had maintained his standards, such as they were and, although Republican to their core, had established a modus vivendi with the ruling Democratic machine and the national Democratic party. Pro-Daley, pro-Vietnam War, rabidly anti-Communist, the *Tribune* after McCormick was every bit as venal, as intolerant, as racist, as it was in the Colonel's heyday. I would refer you specifically to the *Tribune's* disgraceful coverage of the state attorney's raid on

the apartment of two Black Panther leaders in 1969 that resulted in the deaths of both men. Some very reasonable people are convinced to this day that the raid was an assassination, but the *Tribune*, despite much evidence to the contrary, played it for two full weeks as a story of righteous peace officers forced to fire their weapons in self-defense against dangerous, well-armed revolutionaries.

Have I said enough against the Colonel? Well, did you know that he was one of the greatest defenders of the First Amendment in American history? Did you know that, in fact, he deserves a place in history next to John Peter Zenger of the *New York Weekly Journal*, Benjamin Franklin Bache of the *Philadelphia Aurora*, and, I daresay, Larry Flynt of *Hustler* as a hero of press freedom.

Which brings me to the question I wanted to pose tonight, and which I don't think I can fully answer. How is it that we come to rely on such disreputable, narrow-minded and downright weird people as Col. McCormick and Larry Flynt, whom I will get to shortly, to stand up in the clutch for freedom of the press. In the case of McCormick the crucial clutch hit was his appropriation of the cause of Jay M. Near, the publisher of another disreputable newspaper, a Minneapolis muckraking weekly called the *Saturday Press*. As described in Fred Friendly's indispensable book, *Minnesota Rag*, Near was "anti-Catholic, anti-Semitic, antiblack and antilabor." In short, a kind of low-class, entrepreneurial version of McCormick himself. The difference, of course, was that the *Saturday Press* was a

parvenu, up against the Twin Cities establishment -- the big daily newspapers, the graft-ridden local political class, and the gangsters who paid off the police and the politicians to lay off the rackets. As Friendly tells it, Near, together with his sometime employer, sometime colleague Howard Guilford, "practiced a brand of journalism that teetered on the edge of legality and often toppled over the limits of propriety." *The Saturday Press's* predecessor and Near's earlier training ground, the *Twin City Reporter*, typically ran banner headlines like "Smooth Minneapolis Doctor with Woman in St. Paul Hotel" and "White Slavery Trade: Well-Known Local Man Is Ruining Women and Living Off Their Earnings."

But the weekly rags also filled the void left by the respectable press, which, as Friendly put it, "permitted themselves to squint at the link between those who broke the law and those charged with its enforcement in exchange for municipal tranquility, or order without law. Their journalistic ailment was not stories of commission but omission. Many reporters were on the take." In the disreputable *Twin City Reporter*, on the other hand, "mingled with the exposés of the exploits of Minneapolis' well-to-do were reports of crime and of the corruption of elected officials...The negative image that the paper gave the Twin Cities was matched by the bad name it gave to all reporters, yet much that the two men published was true or at least more true than false."

In the end, though, it seems that adjectives are what finally enraged the Minnesota political establishment to the

point that in 1927 the county attorney, Floyd Olson, moved against the *Saturday Press* in court and successfully shut the newspaper down. "Near and Guilford had access to more adjectives than you and I would ever want to use in a lifetime, and they used them," recalled a more mainstream reporter from those days. "This is what sold the sheets."

And those adjectives were really something. In the fall of 1927, Near had come up with a major scoop about the intimidation and beating of a small-time dry cleaner named Sam Shapiro. Shapiro had stubbornly resisted pressure to shut down from the local dry-cleaning association, a group that fixed prices and enforced its control of the market with hired gangsters, who, like Shapiro and the dry-cleaning association boss, were Jewish.

The local dailies had reported the assault but, as was their custom, turned a blind eye on the real reasons behind the crime. Near had a big story, but he wasn't satisfied with just doing an exposé. He decided to take on everyone, Olson: the mayor, the police chief, and, ironically since Shapiro was Jewish, all of Jewish gangsterism. In response to Near's accusation that he himself was in league with the Dry Cleaners Association's enforcer, Mose Barnett, Chief of Police Frank Brunskill ordered the *Saturday Press* banned from newsstands. Significantly, I think, he invoked a local ordinance prohibiting so-called obscene material that would "corrupt the morals of children or any publication devoted principally or solely to stories of crime, bloodshed or tales of lust."

Near had earlier written that "I'd rather be a louse in the cotton shirt of a nigger than be a journalistic prostitute" and harped on the theme that nobody respectable would mention the name of Mose Barnett, the alleged assailant of Shapiro. But he went much further with his offending adjectives. We can assume that Near was incited by the fact that during this fraught period his partner Guilford had been gunned down and nearly killed on a Minneapolis street, presumably by the gangsters seeking revenge against their accusers.

A brief sample: Under the headline "Facts Not Theories," he wrote, "I am not taking orders from men of Barnett faith, at least right now. There have been too many men in this city, especially those in official life, who HAVE been taking orders and suggestions from JEW GANGSTERS, therefore we HAVE Jew Gangsters, practically ruling Minneapolis. It was buzzards of the Barnett stripe who shot down my buddy. It was Barnett gunmen who staged the assault on Samuel Shapiro. It is Jew thugs who have pulled practically every robbery in this city."

And so on.

Well, to summarize briefly, Floyd Olson made his judicially imposed gag order against the *Saturday Review* stick, hanging his case on Minnesota's 1925 Public Nuisance Law, which was -- and it seems incredible today -- unanimously upheld as constitutional by the Minnesota Supreme Court. The original state court order banning Near's paper constituted what was once known as previous restraint, nowadays known as prior restraint, by the government against the press. The ACLU eventually

intervened on behalf of Near, but it was Colonel McCormick who took over and shepherded the case to the Supreme Court. A very risky gambit, given that the gag law was overturned by just a five to four vote. Risky also, given the timidity of so much of the mainstream press. McCormick really had to drag his colleagues and the ANPA -- into supporting Near's complaint. Some publishers feared a negative decision would hurt the cause of the First Amendment; others -- the sort of publishers who make up what Tom Wicker called a "League of Gentlemen" -- just didn't want to be associated with such a disreputable and outrageous newspaper. McCormick had seemingly taken the high ground -- he apparently was moved by a quotation from Senator James Reed of Missouri, who had told a meeting of editors the "Liberty of the press is not the right to expose and defend the right; it is the right to advocate the wrong." But who knew McCormick's true motivation for defending the rights -- and wrongs -- of Jay Near? The bigoted McCormick certainly shared many of Near's worst prejudices, so who really wanted to be associated with McCormick, much less Near?

Moreover, Justice Oliver Wendell Holmes had earlier invented a legal justification for prior restraint -- the "clear and present danger" doctrine, so one couldn't be sure whether even Holmes would vote to overturn the law. A young journalism professor, Frederick Seibert, who visited with the Colonel, had written ominously in an article that constitutional jurisprudence was moving away from Blackstonian theory -- theory that held that legal remedies for publishing lies or defamation

should be applied only after publication -- and in the direction of the notion that the First Amendment "means relative freedom to publish anything as long as such publication does not degenerate into abuse and license." Again, what if McCormick's defense of Near wasn't nearly so high-minded as advertised? And what if the Supreme Court viewed it as pure self-interest?

Hello, Larry Flynt. If any publication in recent times can be said to have degenerated into abuse and license, it's *Hustler Magazine*. And I now introduce Mr. Flynt into the Pantheon of First Amendment champions because, like McCormick, like Near, he is a disreputable defender of his own First Amendment prerogatives, and thus everybody else's. An avowed pornographer, provocateur, social outcast, and hustler, Flynt deserves a great deal of credit for defending the press's right to satirize public figures -- most famously Rev. Jerry Falwell. Falwell sued Flynt for trademark infringement and libel after Flynt published a parody of a Campari ad in the November 1983 issue of *Hustler* -- an ad that featured Falwell in a rather unflattering light. The real Campari ads featured celebrities talking about their first time having sex, the implication being that Campari, like sex, got better after the first time. The parody ad ran with the headline, "Jerry Falwell Talks About His First Time" and the not so subtle "interview" with the great man of the cloth revealed that the first time was with his mother. Pretty heavy handed, not entirely unfunny, but from Falwell's point of view very damaging to his reputation. Even though Flynt thought to put in small print at the bottom of the ad "Ad parody

-- Not to be taken seriously," Falwell took it very seriously indeed.

Now I don't have time to drag you through the fascinating details of Flynt's childhood -- though in the name of fairness and balance I need to tell you that he says his first time was with a chicken -- and his subsequent rise to riches, fame, and hideously painful paralysis from an assassination attempt eerily similar to Guilford's. For this I recommend Flynt's very entertaining autobiography, *An Unseemly Man*. But I do want to tell you that a more seemly man, perhaps a less determined man, would probably never have fought Falwell all the way to the Supreme Court as Flynt did -- would never have dared someone as supposedly respectable, and someone as well-financed as Falwell, to a duel over this most essential part of the Bill of Rights. Fortunately, Flynt prevailed in the Supreme Court more easily than Near had with a unanimous eight to nothing decision in 1988. (He had earlier lost in the conservative Fourth Circuit Court.) But as with McCormick and Near, there was some considerable risk in pushing a case that might have gone the other way. First Amendment absolutist that I am -- I don't even agree with the "clear and present danger" and "troop movement" exception for prior restraint -- I felt no sympathy for Flynt in his heyday. I thought *Hustler* was just a moneymaking stunt and that I shouldn't take Flynt's First Amendment rhetoric seriously. In fact, I barely knew about his very important satire case until a few months ago. But if we go looking for respectable defenders of the First Amendment before getting

excited enough to fight for the First Amendment, we might find ourselves with a greatly weakened press that can't fight for the "respectable" causes that we cherish. Flynt underlines this danger in his book:

"When Falwell had originally sued, no one was willing to stand up with me and file an amicus curiae brief, either at the original trial or the appeal. No surprise there. The mainstream press lacked moral courage and was afraid that the justices would only affirm the lower court's decision, establishing a new precedent. And they all thought I was too unseemly to associate with. However, solely on the basis of my own initiative -- and with no support from any outside organization -- my attorneys prevailed, and on March 20, 1987, the Supreme Court granted my petition for a writ of certiorari to review the Fourth Circuit's decision. Suddenly I had a lot of friends -- reluctant ones. Now that the stakes were so high and issues so clear, the mainstream media began to change their minds. First Amendment rights -- rights that had evolved through court decisions for over thirty years to protect freedom of speech and the press -- would quickly unravel."

From *Near v. Minnesota* we get the precedent that makes it relatively easy for the *New York Times* and *Washington Post* to publish the Pentagon Papers. From *Hustler Magazine v. Falwell* we get the precedent, though not cited, that gets Fox Television's recent frivolous lawsuit against Al Franken and his book publisher thrown out at the district-court level without a moment's hesitation by the judge. Flynt might be somewhat

exaggerating the importance of his case, but it is true that without *Near v. Minnesota*; without *Hustler v. Falwell*, we don't know how these future cases might have gone.

But the question of what drives the disreputable types like McCormick and Flynt to do the right thing for freedom of the press is the pertinent one. It's not much use just reading Liebling and Seldes, since their respective critiques give McCormick no credit for having more than one dimension -- neither even mentions *Near v. Minnesota*. Although it's probably true, it's not enough just to say, as Nicholas von Hoffman told me, "that publishers like McCormick and Flynt fought for the First Amendment because they had a use for it." I think it's more complicated than that. It's interesting to note that socially, McCormick and Flynt couldn't have been more different. McCormick was upper class, a card-carrying member of the Chicago oligarchy, who inherited his stake in the family newspaper. Flynt grew up in a hollow in Kentucky, dirt poor, with absolutely no educational or social couth. McCormick had his career essentially handed to him -- though he had to persuade his family not to sell the *Tribune* at a crucial point in its history -- Flynt was entirely self-made. The *Tribune* often displayed bad taste, but *Hustler* in its first few years of existence made the *Tribune* look like the *Christian Science Monitor*, or perhaps the *Christian Century*. (Flynt, by the way, has made a good point about the relativity of taste. When the infamous Charles Keating pressured the Cincinnati district attorney to prosecute Flynt on obscenity charges -- obscene,

that is, based on community standards -- Flynt did a mass mailing to area residents of gruesome photographs depicting Vietnam War carnage, to underscore his argument that community standards are highly relative and that community standards about obscenity could change suddenly and dramatically depending on what the community was used to seeing. Flynt obviously thinks that war is more obscene than pornography.)

But McCormick and Flynt also share some important character traits. The most important ones for the purposes of our discussion are pride and arrogance. Both McCormick and Flynt were deeply proud of their publications and of what they perceived to be their own journalistic and business achievements. McCormick, similar to Henry Luce, presumed to define the whole of culture for his readers, not just to report the news. Ironic for such a fundamentally parochial and unc cosmopolitan man, he sent reporters all over the world to bring back the grist with which to feed his preconceived notions about foreigners and their innate inferiority to Americans.

Flynt too, in his crude, scurrilous way, sought to define a part of the culture, and in his pride of achievement he dared to redefine morality. The *Hustler* feature, "Asshole of the Month" -- as in biggest phony or jerk of the month -- was in part Flynt's way of poking fun at Hugh Hefner's idealized Playmate of the Month. But it was also genuinely aimed at cutting down to size the Jerry Falwells of the world for a working-class readership too often exploited and pushed around by professional

conmen and hustlers -- especially hypocritical politicians and bible-for-profit preachers.

That McCormick and Flynt missed the mark most of the time - - that they themselves were con men and hustlers shaking money out of people who didn't have much -- misses the point. Their service to society and to the freedom of the press stems literally from their blind arrogance, an arrogance that gives them -- they fundamentally believe -- the license to say anything they want about any topic. This sort of arrogance has gone out of style with the advent of nice, politically correct, terribly polite, and terribly bland publishing -- the sort of pseudo-objective *New York Times* journalism that's designed to offend no one. The only remaining media mogul possessed of this kind of overweening pride -- this pride coupled with active arrogance -- is Rupert Murdoch, an Australian with very little interest in the First Amendment. Among Americans I can cite only Ted Turner as fitting the mold of the old-fashioned, "I publish whatever I damn please" type of publisher, who has largely disappeared from the scene.

It was Turner's sheer arrogance, his sense of himself as entitled proprietor, not any particular commitment to press freedom, that caused him to defy the first Bush Administration and keep Peter Arnett in Baghdad. I think he just thought it was good for him and for CNN. But Turner doesn't own CNN anymore.

You might think that having a lot of money feeds this arrogance -- this maverick tendency among the McCormicks of the

world. As Liebling put it, "Freedom of the press is guaranteed only to those who own one." But I've always found most wealthy publishers and media executives to be remarkably timid, given how much power and freedom they have. Recall that even with *Near v. Minnesota* on its side, *the New York Times* obeyed the district court injunction against publishing the Pentagon Papers and suspended its series for 15 days until the Supreme Court ruled in its favor. Recall the *Times*' depressingly muted reaction to McCormick's great court victory in 1931: While praising Charles Evans Hughes's opinion in *Near v. Minnesota* as "weighty and conclusive" and lauding McCormick, "who has placed the entire newspaper profession in his debt," the *Times* went on to warn that "freedom of the press, now again happily vindicated and affirmed, is not freedom to be a chartered libertine." Try telling that to Larry Flynt.

In any event, I never thought I'd be paying tribute in public to Robert McCormick -- my father is probably turning in his grave right now -- and I certainly never set out to glamorize a pornographer. So go ahead and make me feel guilty. I'm ready for your questions if you have any.