

Dear Frieda and Sol,

11/18/92

The Times clippings and articles are interesting.

The letter by the Louisville reporter, "Garrison Helped Extend Freedom of Speech," is correct. It is a bit bobtailed. I think I remember the story accurately enough.

Garrison had prosecuted a Bourbon Street stripper. She was convicted. Garrison saw no point in her serving any jail time for such an offense and whether or not sincerely, he announced that her children needed her more than any warden.

It was over his intent that she not serve time that he got into the hassle with the judges. He may well have charged that they were corrupt and the only real surprise would have been if any one of them had not been.

He took his defense to the Supreme Court. That case got him much favorable publicity in and out in the N.O. area.

I think his criticisms of the judges followed their criticism of him.

Thanks and best,

Garrison Helped Extend Freedom of Speech

To the Editor:

Your Oct. 22 obituary of former New Orleans District Attorney Jim Garrison omits perhaps the most significant contribution of his public life. Well before the investigation of John F. Kennedy's assassination, Mr. Garrison won a vital battle for free speech and criticism of government.

During his attempts to limit vice on New Orleans's Bourbon Street, Mr. Garrison angrily charged that some local judges were corrupt. The State of Louisiana prosecuted him for criminal libel, which is roughly defined as a malicious defamation.

Mr. Garrison appealed his conviction to the United States Supreme Court. The Court overturned the conviction, and in doing so held that criminal libel of public officials could be punished only if the speaker knew he was wrong or acted with reckless

disregard of the truth. This decision extended to criminal libel the standard for civil libel announced in *New York Times Company v. Sullivan*.

Justice William J. Brennan Jr., in writing for the Court, stated: "Debate on public issues will not be uninhibited if the speaker must run the risk that it will be proved in court that he spoke out of hatred; even if he did speak out of hatred, utterances honestly believed contribute to the free interchange of ideas and the ascertainment of truth."

Mr. Garrison thus made possible his own subsequent criticism of the Government and, indeed, provided protection for critics of his own official conduct.

JIM MITCHELL

Louisville, Ky., Oct. 22, 1992

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