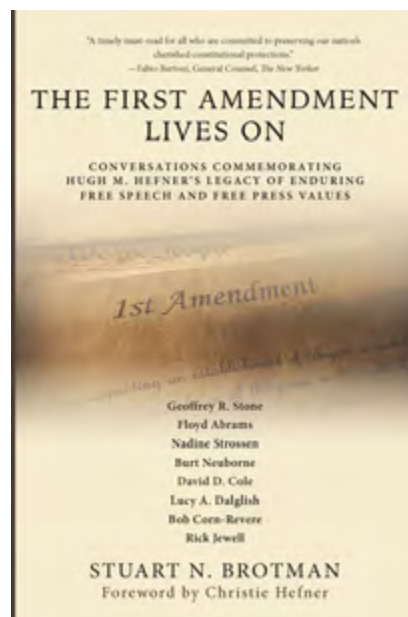


THE SURPRISING LEGACY OF PLAYBOY'S HUGH HEFNER: EIGHT CONVERSATIONS ON THE FIRST AMENDMENT

BRIAN SEMUJJU



The First Amendment Lives On: Conversations Commemorating Hugh M. Hefner's Legacy of Enduring Free Speech and Free Press Values by Stuart N. Brotman, the Fulbright-Nokia Distinguished Chair in Information and Communications Technologies at the University of Helsinki, 2012-13.

Stuart N. Brotman is the Alvin and Sally Beaman Professor of Journalism and Media Law, Enterprise, and Leadership at the University of Tennessee, Knoxville, with decades of experience teaching and handling first amendment cases. In addition, he has worked at the policy level with four US administrations on media/communication/telecommunication affairs. This vast experience positions him as an informed and eager interviewer.

Brotman delivers eight conversations with free speech/free press enthusiasts all woven together by their rich experience and knowledge of landmark events in the history of the First Amendment to the US Constitution. All have had decades of experience directly working on freedom of expression and freedom of the press projects either as lawyers, journalists, or both. In addition, each of them has had an illustrious teaching career closely connected to First Amendment elements within university curricula.

The first conversation, with Geoffrey R. Stone, the Edward H. Levi Distinguished Service Professor of Law at the University of Chicago Law School, begins with a general assessment of key First Amendment milestones and principles, including how government benevolence to fund any media presents a double-edged sword when government demands the same media to work as a mouthpiece; the chilling effect when people decide not to speak out against government excesses and violation of individual freedoms because they think their individual voice is powerless; and the advantages of having a free and functioning system that respects freedoms, which includes recognizing that the majority shouldn't necessarily suppress the minority, especially when the majority is "acting in ways that are seen as inconsistent with the aspirations of the Constitution" (26). In a way, this part is very enjoyable with its historical approach to First Amendment challenges and its portraits of the champions of freedoms, like justices Oliver Wendell Holmes and Louis Brandeis who wrote landmark dissenting opinions against the Espionage Act of 1917. These opinions eventually became mainstream for the Supreme Court in a 1969 case called *Brandenburg v. Ohio* (27).

Other experts offer equally fascinating accounts and predictions for freedom of speech and press, especially as related to social media today. For those readers new to the First Amendment, Burt Neuborne, the Norman Dorsen Professor of Civil Liberties at New York University School of Law and the founding legal director of the Brennan Center for Justice, describes the law and breaks it down into six ideas: "1) no government establishment of religion, 2) free exercise of religion, 3) free speech, 4) free press, 5) free assembly, and 6) the right to petition the government for redress of grievances" (121).

What strikes me as unique is how each expert's First Amendment experience resonates with others' experiences, like the Vietnam War protests. Both Geoffrey R. Stone and Nadine Strossen, the first woman to head the American Civil Liberties Union, participated in student protests in various capacities while others, like Floyd Abrams, the William J. Brennan, Jr. Visiting Professor at Columbia University Graduate School of Journalism, helped in litigation that was directly connected to the war via The Pentagon Papers. Interestingly, the cases cited as accounts of First Amendment struggles, like *Texas v. Johnson* (132), in which it was decided that non-verbal protests like flag burning are protected by the First Amendment, have a bearing on modern protest movements like Black Lives Matter and others.

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On the other hand, the Wikileaks and Edward Snowden's publishing of classified documents are cases that are very similar to the Pentagon Papers that President Richard Nixon rushed to court to stop. While the Pentagon Papers were leaked by Daniel Ellsberg at a time when the Internet was not

yet in public domain, the First Amendment issues discussed by the experts in relation to them are almost relatable to Snowden, Chelsea Manning, and others in our generation, although the book also draws some lines between the two generations of leaks.

The final conversation, with Rick Jewell, the Hugh M. Hefner Professor of American Film (Emeritus) at the University of Southern California School of Cinematic Arts, describes how *Playboy* Magazine publisher Hugh M. Hefner directly promoted education against censorship by funding a program at USC and actively participating in students' seminars on censorship for almost twenty years.

This book is a useful resource for both journalism and law students (and instructors) interested in how the First Amendment relates to such themes as the right to protest, campaign financing, publishing of leaked classified documents, social media posts, and censorship of media content for decency. The periodized events from each conversation make the book a useful historical and compelling resource on key First Amendment cases, on the protagonists and antagonists of the freedoms, and on how their actions shape our understanding of the same freedoms today.

Stuart N. Brotman, *The First Amendment Lives On: Conversations Commemorating Hugh M. Hefner's Legacy of Enduring Free Speech and Free Press Values*. Columbia, Missouri: University of Missouri Press, 2022. 258 pages. \$25.

BIOGRAPHY

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