

**PRESS & TELEVISION**

media. They were defendants in 62 percent of the cases; magazines accounted for 14 percent; TV stations or networks only 12 percent. Television and radio did not lose a single case — possibly, suggests Franklin, because of their “less detailed reporting.”

Cases like Carol Burnett’s and Miss Wyoming’s may bring more big money settlements, Franklin concludes, but suing the media will probably remain an unrewarding exercise for most.

### *France’s Limited Free Press*

“The French Press: Between Watergate and the Gulag” by C. R. Eisendrath, in *Michigan Quarterly Review* (Fall 1981), 3032 Rackham Bldg., University of Michigan, Ann Arbor, Mich. 48109.

Had French laws concerning the press been applied in the United States, the Watergate story, the Pentagon Papers, critical accounts of the Vietnam War, and most reports about Senator Edward Kennedy’s Chappaquidick accident might never have appeared. So writes Eisendrath, communications professor at the University of Michigan.

There are 46 “exempted subjects” about which the French press is, by law, forbidden to report, on penalty of criminal prosecution, fines, prison terms, or seizure of the publication. These include any story that hurts military “effectiveness or morale,” “attacks the credit of the nation,” or “outrages public morals.” In 1980, the Palais de Justice slapped the editor of France’s leading newspaper, *Le Monde*, with a criminal summons. The reason? *Le Monde* had “cast discredit” on the courts by questioning the handling of charges that President Valéry Giscard d’Estaing had received diamonds from the Central African Republic’s former Emperor, Jean-Bedel Bokassa. “Offending” or “outraging” the President in type is illegal—and the truth, writes Eisendrath, “is no defense.” A story need only detract from “the respect due to the office and its incumbent.”

An “outraged” Charles de Gaulle sued journalists 350 times. Giscard never did so, but the law is still in effect. Similar statutes protect notables ranging from diplomats and mayors to university professors. When he took office in 1981, the current President, François Mitterand, pardoned all pending “misdemeanors of the press.” Obstacles to reporting on some topics are subtle, composed of “legal minefields” rather than blatant prohibitions. For example, unlike the United States, where “you can’t libel the dead,” France allows heirs of an injured party to sue. Damage to one’s “peace of mind” can be a sufficient claim. Such policies are perhaps considered justified by the \$500 million in government subsidies that help sustain French publications. Funds are distributed without regard to a paper’s ideology.

America’s founders fashioned the First Amendment after an earlier French model. Yet, unlike the Americans, who held to the absolute principle of a free press, the French, says Eisendrath, used to monarchical discretion, chose to measure the role of a free press, case by case.