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A Fair Hanging:
Ethics in Editorial Cartooning

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In a way, the most free period in the history of political caricature was that space of time before the printing press was invented. It is debatable when this period began. Some say that the cave men and Egyptians could draw as well as anyone else, but in fact often preferred to make each other look silly. Others say that true caricature appeared along with pen and ink, when slips of paper were passed among friends. Either way, caricaturists of this era may not have had any particular influence, but they also had no particular limitations. If someone was offended by their scratchings, and hinted at trouble, the original could be lost, or burned or eaten before anything could be proven.

When it became possible to make multiple copies, there was suddenly someone between the cartoonist and his audience. He had to take into account other opinions, such as, perhaps, the one offered by the man who owned the only printing press in town. This trend of accountability has continued through today. Modern cartoonists have a touch which is a good deal lighter than the heavy black lines of the woodcut, but, conversely, their influence has become a good deal more pronounced. In the age of the television and computer

information glut the editorial cartoon provides a quick summation of what our public figures are up to. The editorial cartoon is also, by definition, heavily opinionated, and lets us know in no uncertain terms how we should feel about what is happening.

Currently there are about 170 professional editorial cartoonists in the U.S, at least two of which are syndicated to over 400 papers (Jeff MacNelly and Pat Oliphant).¹ This is a relatively small number of people trying to tell a very large number of people what to think. The cartoonists' message is, of course, to some degree constrained by his newspaper and his public--if he wants to remain employed he has to suit his ideas to his audience at least a little. But even after those influences he still has a good deal of room left to slip in his own views. As Randall Harrison puts it in his book *The Cartoons: Communication to the Quick*:

"Cartoonists can manipulate the system unfairly....They can lie. They can titillate and seduce. They can instigate and intimidate."² The cartoonist, then, in acknowledging his own power, has also to acknowledge a certain responsibility to the public. More than any other type of journalist, the editorial cartoonist is free to say what he thinks in a very pointed way, but this freedom has to be balanced against other values. Legally a cartoonist can more or less be as offensive as he pleases, but morally he has an obligation to

stop short of unjustly violating another's rights, no matter what the cause propelling him.

But where should the line be drawn? Historically cartoonists have had a good deal less freedom to offend public figures. Cases that today would be dismissed before they ever got to court have commonly been found in favor of the attacked rather than the attacker in the distant--and even not so distant--past. As an example, the revolutionary



Charles Philippon : The Pear. Ca. 1831. *Charivari*.

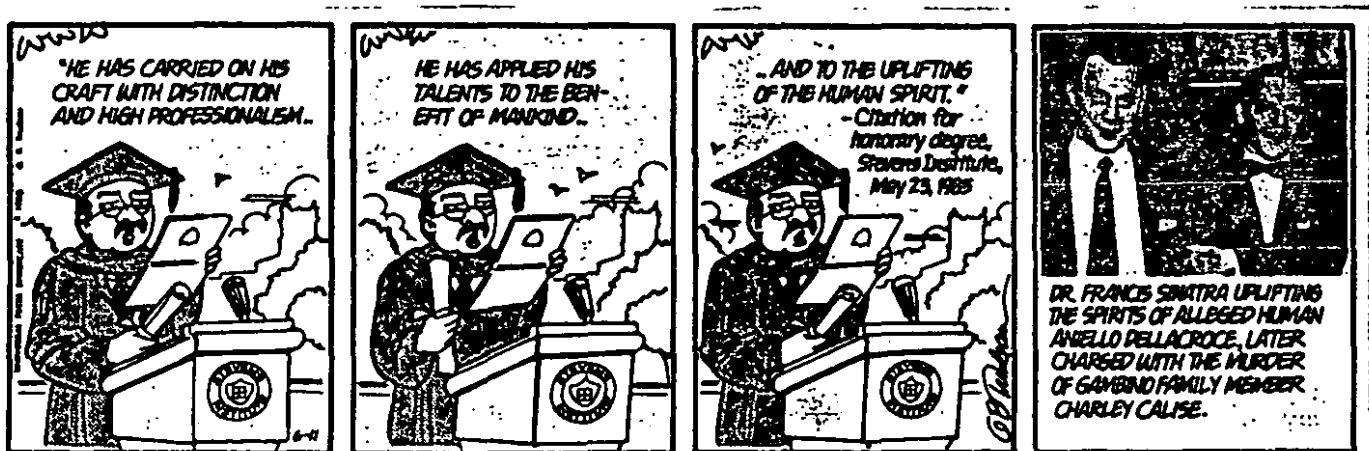
cartoonist Charles Philippon drew a cartoon which cleverly featured King Louis Phillippe in various stages of becoming a pear (pear meaning "simpleton").³ The king was not impressed with Philippon's artistry, and Philippon ended up spending some time in jail.

Even as recently as the early 1900's cases have gone against the cartoonist and his newspaper. In 1907 Thomas Patterson, publisher of the *Rocky Mountain News* was found guilty of contempt for publishing editorials and cartoons which questioned the state Supreme Court's impartiality.⁴ Cartoonists did have ways, however, of bucking under past repressions. In 1902, when a miffed governor of Pennsylvania tried to get a bill passed prohibiting "the depicting of men....as birds or animals", cartoonists responded with a flood of politician-faced vegetables.⁵

These days offended public figures can and do drag editorial cartoonists into court, however, in the recent past the cartoonist has always won, and probably will continue to win in the future. The First Amendment protects the cartoonist and his newspaper in two ways. First, it provides absolute protection for opinion. Since the editorial cartoon is always placed on the OP-ED page of the newspaper, and usually the Opinions section of magazines, it would be difficult to label the cartoon as anything but opinion. If the plaintiff does manage to prove that the cartoonist was airing false statements of fact rather than just opinion, then the plaintiff must go on to prove actual malice. In other words, he must prove that the cartoonist and his newspaper lied on purpose. This, of course, would be

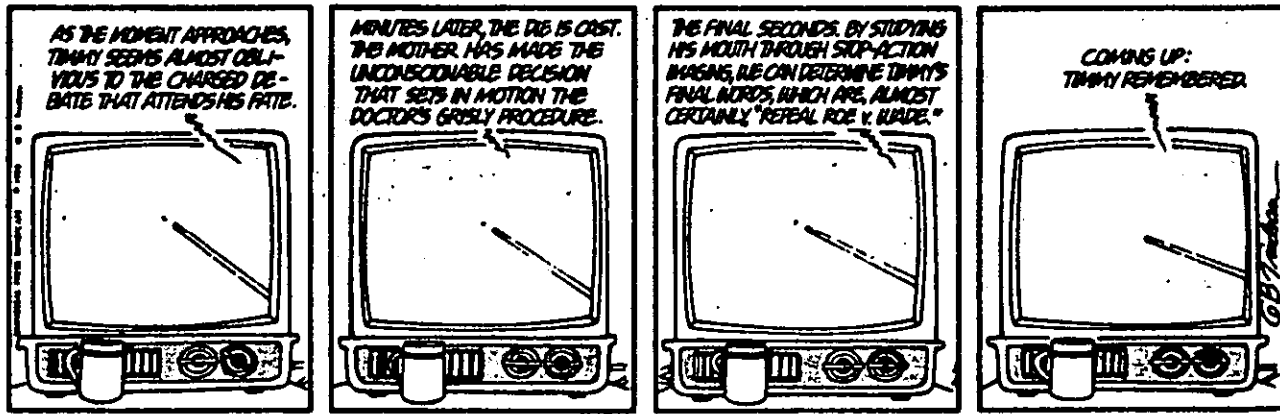
extremely difficult to prove, and has not been proven in any case involving any American editorial cartoonist.* Paul Conrad, a somewhat venomous cartoonist who works for the Los Angeles Times, has been taken to court a number of times. He has been sued for millions by both Sam Yorty, former mayor of Los Angeles, and Fred Hartly, Union Oil Company chairman. In both cases the plaintiff lost--they could not even prove that Conrad was expressing fact instead of opinion, much less that there was actual malice involved.

All this is not to say that editorial cartoonists never have any restraints put on what they say, or rather, what they imply. If nothing else, "Factors such as the high costs of both libel insurance and litigation may be more capable of



suppressing cartoons by publishers than any of the past efforts."? A few years ago, Gary Trudeau wrote a Doonesbury strip about Frank Sinatra that questioned the "propriety of his being honored at the White House and elsewhere."¹⁰ The

upshot of the strip was that objections should be made to the an honorary degree being awarded to someone who had regularly associated with mob bosses over the years. The Los Angeles times, Sinatra's hometown paper, decided to pull all but one of the series of six strips, on the advice of their lawyers.⁹ The lawyers were worried about a lawsuit being brought against the newspaper--not because the Los Angeles Times wouldn't win the suit (they probably would have), but because of the thousands or even millions they would have had to have spent winning. The newspapers former concern "will we win?" has been replaced by the new concern "can we afford to?".

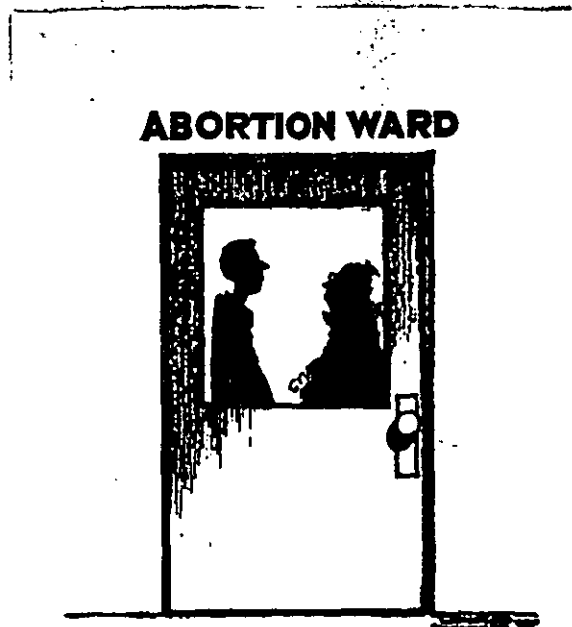


Interestingly enough, the Dallas Times-Herald, one of the newspapers that withheld the strip about Sinatra, decided to replace the six strips with six others that dealt with abortion instead. Frank Sinatra is a popular person, but, at a guess, the six decidedly pro-choice strips were more likely to offend more people than even the most vicious attacks on "Ol' Blue Eyes". In terms of lawsuits, the deciding factor in

whether a cartoon will be pulled or not seems to be who, not how many will be upset by it. Regardless of whether a political cartoon is morally offensive to most people, whether or not a cartoonist will be dragged into court seems to depend on whether he offends the few, or even one, rather than the many. For instance, Paul Conrad and his newspaper were taken to court and sued for six million dollars for implying in a cartoon that a former Los Angeles mayor had political aspirations that were a little crazy. There was no hint of a lawsuit, however, when Paul Conrad ran a cartoon showing a doctor in an abortion ward apologizing to a new



"I've got to go now. . . . I've been appointed Secretary of Defense and the Secret Service men are here!"



"I'M SORRY TO HAVE TO TELL YOU THIS, BUT YOUR BABY WAS BORN LIVE!"

father because his "baby was born live."¹⁰ There are more than a few million women who support pro-choice who would be, and probably were, offended by this attack on abortion by choice.

It would seem then, judging by past court cases, that cartoonists are more free to preach about hotly debated issues that are likely to raise the ire of a lot of people, than they are to comment on what a public figure is thinking or doing. All the same, if you ask a cartoonist what goes into a "good" cartoon, they rarely mention morality or a responsibility to the public. Herblock says merely that "a good cartoon is a good cartoon."¹¹ Ranan Lurie gets a little more involved in the subject, and outlines five steps in making a good political cartoon. They are.

"First, deciding the message; second, rendering the metaphor or parable; third, drawing the facial caricature; fourth, use of humor/satire; fifth, exercising journalistic sense--finding the right timing and subjects, anticipating the news."¹²

Lurie goes on to say that "there is no subject that is, can or should be inappropriate for the political cartoon."¹³ To be fair though, it should be added that cartoonists do generally have their own peculiar set of values, and more often than not they come up on the side of human rights and the underdog.

The ball is squarely in the cartoonists' court when it comes to treading on peoples morals, and yet it would be foolish and dangerous for the cartoonists to try and never offend anyone. What is and isn't offensive is very much a product of the times, and people sometimes need to be offended in order to get them to pay attention to some higher truth. When Mort Walker, creator of Beetle Bailey introduced



a black lieutenant into his lineup his syndicate refused to run his strips because they "might increase racial tension."¹⁴ The strips were eventually reinstated, but not without a battle that was taken "all the way to the Pentagon and the U.S. Senate."¹⁵ On the lighter side, Walker also battled with his syndicate over his right to draw navels on his female characters.¹⁶ As fast as Walker drew the belly-buttons in, his syndicate carefully airbrushed them out.¹⁷ The only time during this whole feud that he did manage to slip a few navels in was when he included in one strip's

background a whole cartload of oranges--navels exposed.

Navels aside, there are no hard fast rules about what goes into a "good" political cartoon, but there are two things that are probably essential to a morally sound political cartoon. The first requirement is that the cartoon contain at least a small grain of truth as the cartoonist knows it. This means, sometimes, giving up a brilliant cutting stroke in order to adhere to the "innocent until proven guilty" policy. In one of his more controversial series of strips, Gary Trudeau, as previously mentioned, attacked the notion of Frank Sinatra being awarded an honorary degree because he associated with mobsters. Trudeau included in one of his strips a picture of Frank Sinatra standing next Aniello Dellacroce, "alleged human", who had been charged with a mob murder. What Trudeau failed to mention was that Dellacroce had also been acquitted of the killing.¹⁹ It may have been completely wrong that Dellacroce was acquitted, but under our system we have to accept that acquittal, or change the system. Nevertheless, in order to make a point (that of "why was Frank Sinatra given this award?"), Trudeau misled his readers by building his point on top of a disputed fact. Cartoonists should be free to exaggerate, but legally they aren't, and morally they shouldn't be allowed to mislead.

The second requirement for a morally sound cartoon is

that if it is offensive, it should be offensive with a reason. As Charles Press puts it, bringing out the big guns for a trite subject is something like "watching a rabbit get blasted apart with a Howitzer."¹⁹ He goes on to say that

"If the artist brings up the big artillery, he or she must have a good reason for firing it, more than just showing off or having a test run of the equipment."²⁰

Larry Flynt and Hustler's spoof of Jerry Falwell's "first time" is not an editorial cartoon, but it is a neat example of satire not meeting either of the aforementioned moral requirements. In this somewhat graphic piece of literature, Hustler parodied ads for Campari liquor in which people talked about their first time with Campari. In the parody, Jerry Falwell talked about his first time with his mother in an outhouse. In this particular satire, the grain of truth is missing. The entire piece was generated out of Larry Flynt's desire to "assassinate" Falwell's character²¹, and there is a distinct lack of evidence for anything contained in the piece. The parody is also very offensive without a good reason. The courts recognized this, and awarded Jerry Falwell 100,000 dollars for intentional infliction of emotional distress. They could not, however, support his libel charge.

Freedom of speech is a fragile privilege. It is constantly threatened by over-zealous people trying to ban

books and records and movies. To say, therefore, that the Hustler parody should have been suppressed would be to support a dangerous threat to the first amendment. On the other hand, given the motives involved, the Hustler parody probably should not have been published. In a more perfect world, Larry Flynt would have questioned his own values, and himself decided not to publish the piece, without ever having involved the courts or the press. In the absence of laws that police journalists' words, the journalists must police themselves. Even if no one else agrees, at least they themselves should believe in what they are saying.

Given that we are a society that is not completely made up of lily-white souls, there is a saving grace that helps beat down the injustices. This is the competition of ideas that John Stuart Mills was talking about when he said that "the truth most consistently emerges from a marketplace of ideas."²² The editorial cartoonists provide the marketplace, the cartloads of one-sided viewpoints from which we can put together an opinion. There is no denying that editorial cartoonists have influence--even the White House sits up and takes notice when the current leader is being attacked. There is also no denying that these cartoonists are often mean and sometimes very unfair, but as Mike Peters of the Dayton Daily News puts it: "[When a politician is] telling a lie, a journalist reporting the quote cannot say: 'Hey, that guy's a

liar. But the cartoonist can say: 'Wait a minute. That guy's not wearing a stitch on his body.'²³ This is a useful way of getting around all the rhetoric that politicians generate, as long as the person accused of being naked really isn't wearing any clothes.

Endnotes

- ¹ Jerry Adler, "The Finer Art of Politics," *Newsweek* (October 13, 1980): 74.
- ² Randall Harrison, *The Cartoon: Communication to the Quick* (Beverly Hills: Sage Publications, 1981), p.113.
- ³ Charles Press, *The Political Cartoon* (East Brunswick: Associated University Presses, 1981), p.121.
- ⁴ Robert Spellman, *Pricking the Mighty: The Law and Editorial Cartooning* (Southern Illinois University), p.9.
- ⁵ Adler, "The Finer Art of Politics," p.78.
- ⁶ Donna Kramer, "Drawing Fire: The Proliferation of Libel Suits against Cartoonists," *Cardozo Arts & Entertainment* (Vol. 5: 573): 573.
- ⁷ Kramer, "Drawing Fire," p.573
- ⁸ Jonathan Alter, "Doonesbury Contra Sinatra," *Newsweek* (June 24, 1985): 82.
- ⁹ Alter, "Doonesbury Contra Sinatra," p.82.
- ¹⁰ Paul Conrad, *Pro and Conrad* (San Rafael: Neff-Kane, 1979).
- ¹¹ Press, *The Political Cartoon*, p.26.
- ¹² Ranan Lurie, *Lurie's Worlds: 1970-1980* (Honolulu: University Press of Hawaii, 1980), p.35.

- 13 Lurie, *Lurie's Worlds*, p.35.
- 14 Harrison, *The Cartoon: Communication to the Quick*, p.42.
- 15 Harrison, *The Cartoon*, p.42.
- 16 Harrison, *The Cartoon*, p.42.
- 17 Press, *The Political Cartoon*, p.328.
- 18 Alter, *Doonesbury Contra Sinatra*, p.82.
- 19 Press, *The Political Cartoon*, p.25.
- 20 Press, *The Political Cartoon*, p.25.
- 21 Spellman, *Pricking the Mighty*, p.28.
- 22 John Stuart Mills, *On Liberty* (Chicago: Henry Regnery, 1955).
- 23 Adler, "The Finer Art of Politics," p.85.

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Comments on Allison Anderson's senior thesis:

1. It's quite short (which is not a sin) but perhaps omits some useful information. Could use more examples and more analysis.
2. Could have had more on ethical behavior generally, if it is to be published. What do we look for in ethical behavior, so that we can say a cartoonist is either ethical or unethical? Honesty, dignity, what? You mention having a target, and I agree that just spouting off with no "news peg" nor any real issue is not responsible criticism, let alone ethical.

Remember our discussions in class about freedom of press? The word "responsible" is never mentioned in the First Amendment, although a lot of people would like to have it in there, as long as they can be the ones to decide how to define "responsible."

3. Your paper would be easier to read and understand if you had provided sub-heads to emphasize the move from one subject to another.
4. A U. S. cartoonist's message also gets exposure overseas. Spiegel (Germany) regularly reprints U. S. work.
5. One place you could have expanded is the discussion of treatment of cartoonists, caricaturists and satirists by their king or other government officials. Cutting off someone's hand might be considered appropriate punishment for someone whose hands (their drawing ability) got them in trouble in the first place, and some kings would gladly have done this. I am not too sure that some governments today might do that. Remember the Watergate era and the "enemies list" Nixon kept?
6. Some grammar and punctuation problems should be cleared up. Most are marked.
7. Might mention that many people sue because they do not distinguish between opinion and fact. Ollman vs. Evans (a two-year-old case) has something to say about this, along with some guidelines or tests.
8. It's John Stuart Mill (not Mills) Allison Andersonssssss.
9. Many small papers admit that they can no longer do real investigative reporting because they cannot afford to be sued if something goes wrong.
10. Footnote 15 needs amplification. Who sued whom? Who won? Give the citation for the decision. (Some readers want to know more and you should tell them.
11. Back to my comment No. 2. Was what Trudeau did unethical, irresponsible, uncalled for, not based on fact, simply an error? In relation to this paper what was it?

It's certainly acceptable and some work would make it publishable.

Georg O'Brien