

[US] court finds publisher liable for aiding and abetting murder

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*L. Fredrik Cederqvist
Communications Media Center at the New York Law School*

The U.S. Supreme Court recently refused to consider the appeal of a publisher that argued that the freedom of speech embodied in the First Amendment of the U.S. Constitution protected him against civil damages for criminal conduct by a third party who used the instructions in one of the petitioner's books to commit murder. The refusal by the Supreme Court to hear the issue left in place the decision of the U.S. Court of Appeals, Fourth Circuit, which ruled last year that the publisher could be held liable for civil damages. Lawrence Horn hired James Perry to kill his ex-wife, Mildred, and his eight-year-old son, Trevor, so that Horn would receive \$2 million, which his son had won in a settlement for injuries that had left him paralyzed for life. To execute the murders, Perry relied on the book, "Hit Man: A Technical Manual for Independent Contractors" published by the petitioner, Paladin Press. The family of the murder victims sued Paladin Press for civil damages for Paladin's role in aiding and abetting murder through providing in the book explicit instructions for the crime. Paladin Press sought to block the suit by arguing that its constitutional right to free speech constituted a complete defense against civil damages. The Court of Appeals disagreed and ruled that the freedom of speech does not pose a bar against civil liability for aiding and abetting criminal conduct where the defendant has the specific purpose of assisting and encouraging the committing of a crime. In particular, the Court found that Paladin's book contained exhaustively detailed instructions on the planning, committing, and concealment of criminal conduct and explicitly encouraged such conduct. The Court added that the fact that the advice in the book was intended for a mass audience, and not to anybody in particular, did not pose a bar to civil liability.

United States Court of Appeals, 4 December 1997, No. 96-2412 (CA-95-3811-AW), Vivian Rice, etc., et al, vs The Paladin enterprises, etc.

