

Hustler

December 5, 1975

Mr. Larry C. Flynt
Publisher
Hustler Magazine
36 West Gay Street
Columbus, Ohio 43215

Dear Mr. Flint:

Thanks for the reprint of Herald P. Fahringer's
interview.

The questions and answers are refreshing to
those of us who are fighting for good government by re-
moving the states' awesome power to make activities,
which are personal and private, criminal, and which do
not harm any consenting parties.

Justice for all,

Lloyd A. Barbree
LLOYD A. BARBEE
State Representative

LAB:rs

HUSTLER

HUSTLER MAGAZINE

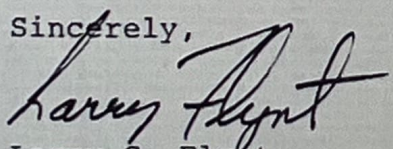
36 West Gay Street • Columbus, Ohio • 43215

Larry C. Flynt
Publisher
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Dear Sir,

I've gone to the trouble and expense of having this interview from our December issue reprinted and sent to every federal and state legislator in the United States because of my sincere belief that it contains some of the most intelligent opinions ever expressed on the subject of civil liberties. As pointed out in the introduction, Herald Fahringer has taken fourteen cases before the United States Supreme Court, handling all fourteen successfully. The president of the New York State District Attorney's Association has described Mr. Fahringer as the best defense lawyer in that state.

I think you will find this article most enlightening and hope it will be of some value to you in the pursuit of your duties as a legislator.

Sincerely,


Larry C. Flynt
Publisher

LCF:lb

Reprinted from the December issue
of Hustler Magazine

HUSTLER INTERVIEW by LARRY FLYNT HERALD



HUSTLER publisher Flynt interviewing attorney Fahringer, advocate of sexual freedom.

FAHRINGER

F. Lee Bailey couldn't shine his shoes, and he makes Edward Bennett Williams look like a school boy. This is the way a client described Herald Price Fahringer. A modest graying man of medium build who seems to be missing that egocentric personality trait common in most criminal lawyers. As it is every author's dream to have a book published, it is every lawyer's dream to take his case before the U.S. Supreme Court. Herald Price Fahringer has not taken one case to the high court but fourteen, and he has won all fourteen. He has been described by the New York Times as a leading Constitutional lawyer and the president of the New York State District Attorney's Association said that Herald Fahringer is the best defense lawyer in the State of New York—and probably the whole country, says another constituent. A lawyer's lawyer as the saying goes, is more evident in this man, due to the fact that he represents no less than six criminal defense lawyers who are presently under indictment in New York City. He has argued causes and lectured to lawyers in virtually every state in the Union.

Presently he is representing the Dairy Lea Cooperative which is under indictment for the famous watering of milk suit in New York, and a Congressman from the state of New Jersey who is under investigation. But he is known best for his innovative techniques in defending such unpopular people as Al Goldstein, publisher of *Screw*; Monique Von Cleef, described as the torture queen who maintained a house of pain in New Jersey; Buddy Rich, the famous jazz drummer who was arrested on drug charges; Dr. Leslie Feldler, renowned author and critic, accused of maintaining a house where marijuana was used; Dr. Thomas Matthews, a black surgeon from New York City charged with embezzling

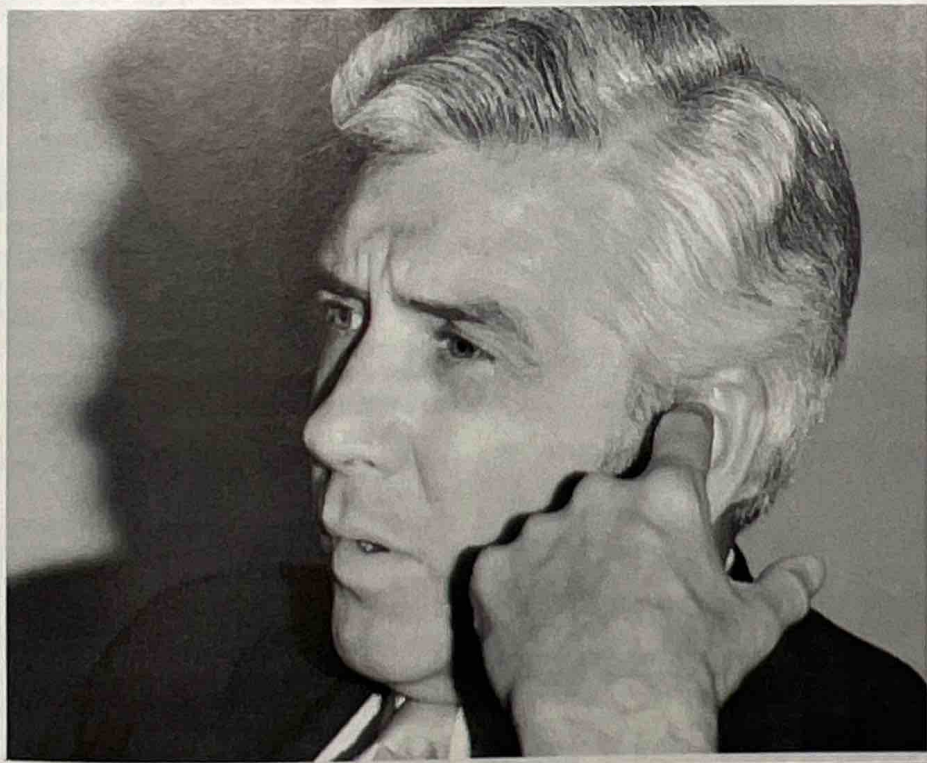
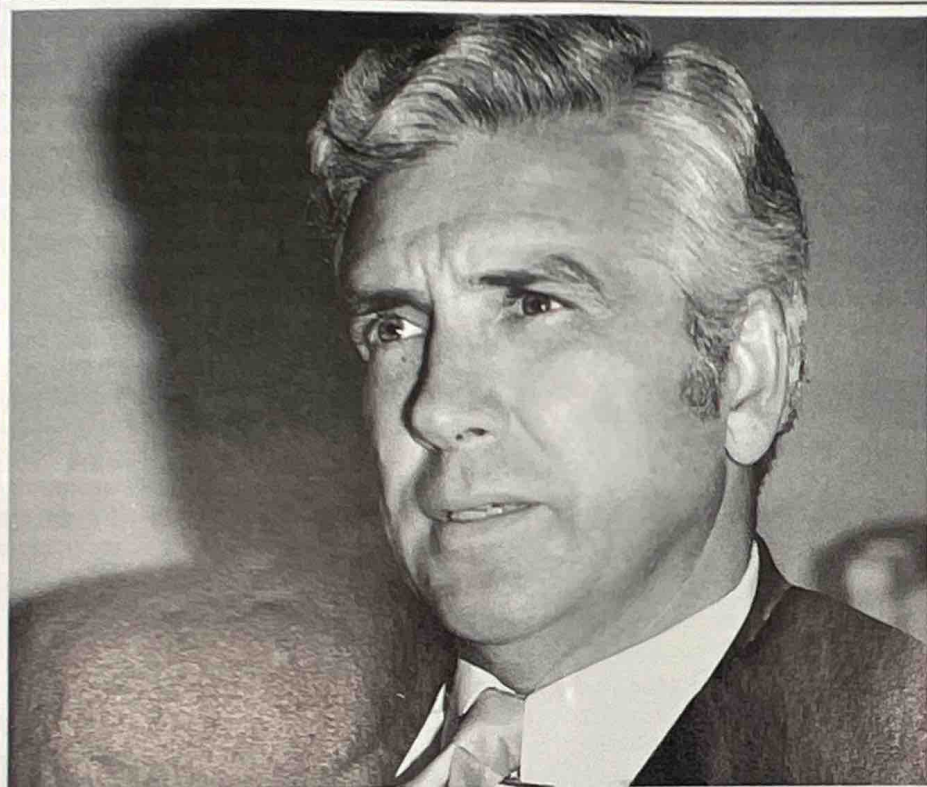
Medicaid funds; and motion pictures such as *Deep Throat* and *The Devil and Miss Jones* as well as prominent members of the Mafia in New York City and so-called "hit men" charged with contract killings.

I was to meet Herald for this interview at the Park Lane Hotel in Manhattan at 5:30 in the afternoon on a muggy day in late July. The stench from the exhaust fumes was ever present in the air as I entered the hotel. The air conditioned lobby was a relief from the congested streets and sidewalks of the big city. Everyone around me showed the strain of the day both mentally and physically. But not Herald — he was standing there in the lobby like he was just leaving home for a day's work. Dressed in a conservative black suit, neatly groomed and wearing a perfectly pressed white shirt. I had heard that he could work ten hours and still look the same. Now I understood why. He moved so gracefully in a crowd that you would never notice him unless you were looking. On our way to the suite, I was able to find out that Fahringer was raised in the coal regions of Pennsylvania where his father worked for a refining company. He worked his way through Penn State University by waiting on tables and fought on the Penn State boxing team. After graduation from college, he became interested in acting and worked in a road show with Dagmar and Arthur Treacher. After that experience, he worked as a radio announcer, a sparring partner in a professional fighter's camp, took a whirl at doing television commercials and worked as a salesman, all of which led him nowhere. Finally he enrolled at the University of Buffalo Law School and eventually received a law degree. He said, "When I found the law, I knew that was it. There wasn't anything I enjoyed more."



HUSTLER: Although you are probably not known to the average man on the street — your name may not be as familiar as F. Lee Bailey's or Edward Bennett Williams' — you appear to be known in the circle of businessmen who deal in so-called por-

FAHRINGER: Well, it goes back fifteen years ago, when the American Civil Liberties Union came to me and asked if I would take the case of a man who had been arrested on pornography charges. It was the first pornography case I ever handled.



nography and obscenity as the one and only lawyer. They hold you in the highest esteem and feel that if anyone in this country is an authority on this issue, you're the man. How did you gain this type of reputation?

And what attracted me to that case was not any financial gain; I was concerned about the defendant's right to sell magazines. I took the case to New York's highest court and it declared the law unconstitutional. Because of that victory, which was a well-

publicized one, other publishers came to me and asked that I take their cases. Of course, the Warren Court was in full reign at the time, so we enjoyed a lot of success. I began handling cases in California, Ohio, Wisconsin, Florida, New York, New Jersey, Pennsylvania, and throughout the United States. I traveled all over the country. It was kind of a small group and word traveled very quickly, so I was engaged to handle a lot of cases for such publishers.

HUSTLER: It is said you're a fanatic when it comes to the Constitution.

FAHRINGER: That's right. When I was in law school I was very impressed with the first ten amendments to the Constitution — what I consider to be the crux of civil

CLARENCE DARROW ONCE SAID THAT THERE'S NO SUCH THING AS JUSTICE IN OR OUT OF COURT. HOW DO YOU FEEL ABOUT JUSTICE IN AMERICA TODAY?///

liberties in this country—individual rights that are shared by each of us and are so essential to a free society. I have been alarmed about the erosion of these rights spelled out in our Constitution. I am terribly distressed over the public's indifference to Constitutional rights: right to free speech, right to free press, and so on.

HUSTLER: Clarence Darrow once said that there's no such thing as justice in or out of court. How do you feel about justice in America today?

FAHRINGER: If you're talking about the criminal justice systems, and I assume you are, the problem is that the public is under the impression that every time a man goes to trial justice should prevail. The guilty should be convicted and the innocent

should go free. But we who labor in that enterprise know that it doesn't work out that way — and yet I'm deeply committed to the system. I think it's the best in the world, with all its imperfections. But the fact is people go to trial and sometimes the guilty go free and the innocent get convicted. And that's a failing of the system. I think that's what Clarence Darrow meant when he said that there is no justice. There is no such thing as a pure justice.

HUSTLER: One of the most important aspects of the legal profession is that regardless of a man's guilt or innocence he is still entitled to the best legal representation that he can get. Why is there an attitude of antipathy taken toward an attorney because of the clients he represents?

FAHRINGER: As I said, it is not our function to judge a man's guilt or innocence. It's our obligation to represent him no matter how unpopular he might be, no matter how overwhelming the evidence is against him.

HUSTLER: It has been said that you are obsessed with being the "Defender of the Damned," so to speak. Isn't that what it boils down to, considering the various types of clients you've represented?

FAHRINGER: Even though that term may be a little deceptive, I think very early in my life I became seriously concerned with what we would colloquially refer to as "the underdog." I have never cared much for the establishment. I've always been opposed to authority. I found it very easy to embrace the causes of those people who stood up against the state. I got involved in a lot of civil rights cases, where I felt the privileges of citizens were being abused.

HUSTLER: In other words, the cause is more important to you than the fee?

FAHRINGER: I really believe that, and I think I could support it with some statistics. I have been involved in an awful lot of cases where there has not been adequate compensation, but I just felt very deeply about the principle involved. I like to think that a lot of lawyers have done the same. It is a service we perform for the community, and I advocate that publicly.

HUSTLER: I understand that at the present time you represent the largest distributor of X-rated paraphernalia in the world. Is this true?

FAHRINGER: Yes, I guess that's true.

HUSTLER: And you also had quite a sensational case involving a black businessman that backed Nixon.

FAHRINGER: This was another situation where I was very much attracted to what had been done to this doctor, on a matter of principle. It was Dr. Thomas Matthews, a black surgeon, who practiced in New York. He was a solid backer of Nixon, and I

understand he enjoyed a fairly close relationship with him. He opened a drug addiction center in the borough of Queens which was very unpopular. I believed that he had been persecuted — not prosecuted, but persecuted — by the authorities there. He was tried and convicted and sentenced to three years in prison. Then he came to me and asked me if I would handle his appeal. I did. We were not only successful in reversing his conviction, but the appellate court dismissed all the indictments against him.

HUSTLER: Would you represent a man on principle if he didn't have the cash to pay your fee?

FAHRINGER: Yes. As a matter of fact, I'll tell you of one. There's a famous case of a young rabbi who got convicted of a very serious crime in New York City. The case attracted a lot of attention. He was sentenced to prison. His appeal was being handled by an assigned lawyer. He called me and wanted to know if I would be willing to argue his case in a high appellate court. I was very impressed with the young man and asked him to come over and see me. I looked over all of his records, took the case, and argued it for him without any fee.

HUSTLER: How did you do?

FAHRINGER: We haven't got the decision yet. It's still pending.

HUSTLER: Would you represent a Mafia hit man if you knew he was guilty?

FAHRINGER: Yes, I would, because his guilt or innocence is not for me to judge. We take an oath when we're admitted to the Bar, swearing we will represent *all* people, regardless of how unpopular their cause might be.

HUSTLER: That, along with some of the alleged Mafia figures that you have represented, makes it seem like you are attracted to a certain type of case, or a certain segment of society. Is that because you feel this is where the largest violation of Constitutional rights exists?

FAHRINGER: Yes, I've been attracted to those cases which involved some very serious Constitutional violations. In the area of criminal defense, the Constitutional rights that we all share with one another are of paramount importance — the right to remain silent, for instance, or the right to be free from an unreasonable search and

seizure. In a criminal case these rights are dramatically brought into collision with other interests of society. Another issue that I feel deeply about, and which I raised in the U.S. Supreme Court, is that if a person wants to be mistreated and enjoys it, if he enjoys bizarre forms of sexual gratification, I feel that society has no right to interfere with that enjoyment. I feel very strongly about people being free to enjoy any form of sexual relationship with one another as long as they don't harm anyone else. If it is done privately and with consent, I don't think the state has any right to interfere with that form of expression or enjoyment.

HUSTLER: Are your feelings in this area one of the reasons you have not been reluctant to represent some of the well-known *alleged* pornographers in this country?

FAHRINGER: Yes. I think that, more than anything else, attracted me to their cases. I found myself able to defend both the individuals and the principles involved quite aggressively.

HUSTLER: I understand you are defending Al Goldstein and *Screw Magazine*.

FAHRINGER: Yes. He's under indictment. I'm defending him.

HUSTLER: The *Screw* case is a rather unique one. They were indicted in Wichita, Kansas, while their corporate headquarters is in New York City. What was the reason for this?

FAHRINGER: It's an unusual situation. A postal inspector out in Kansas subscribed to several issues of *Screw* at the request of the federal government. They were sent out to him, and then based upon his receiving them through the mails they indicted *Screw* in Kansas. This was an outrageous misuse of governmental power, and I made a motion in Wichita that the matter should be returned to New York as the proper place of jurisdiction.

HUSTLER: Isn't it obvious the federal government felt it would stand a better chance of getting a conviction in Kansas rather than in New York?

FAHRINGER: Well, that may be. However, I have confidence in juries all over the country. The people in Kansas are quite capable of making judgments consistent with Constitutional rights. However, there isn't any question that the community standards in New York City are different than those in Kansas.

HUSTLER: What seems to be the issue in the government's case against *Screw*?

FAHRINGER: Well, their complaint is that the magazine is obscene, lewd, and they contend that it doesn't have any redeeming social value. We feel it does. We think it's Constitutionally protected.

THE PHILOSOPHER

If you do not raise your eyes you will think that you are the highest point.

ANTONIO PORCHIA

HUSTLER: The *Screw* case could very well become another one of those landmark decisions that may go all the way to the Supreme Court. I assume it will, knowing the personal philosophies of the publisher. Al Goldstein will no doubt want to utilize the courts to the fullest extent possible. You've no doubt been burning a midnight candle.

FAHRINGER: Oh, yes. My associate, Paul Cambria, and I have worked very hard on the case, and I hope that eventually we will prevail.

HUSTLER: Why was it that a postal inspector decided to subscribe to *Screw*? Was he a fan of *Screw*'s or was he helping the government with its case?

FAHRINGER: Of course it is a contrived case. He was asked to do this by the government. The whole thing was a set-up.

HUSTLER: How do you personally feel about *Screw*'s editorial policy?

FAHRINGER: Well, let me tell you about *Screw*. My attitude is that *Screw* is an important publication because it's fearless. Al Goldstein is independent, and he says

Office, have the right to rule on obscenity and define it?

FAHRINGER: No, and you wonder about their capability of making these judgments when it is such a complex area. The Supreme Court has had a tremendous struggle with this difficult problem.

HUSTLER: How many cases have you had before the Supreme Court?

FAHRINGER: I have handled fourteen successfully.

HUSTLER: Out of the 14 cases they considered, how many did you win?

FAHRINGER: I won all fourteen cases.

HUSTLER: I understand you have some reservations about the Nixon Supreme Court.

FAHRINGER: Yes. I was, of course, a great supporter of the Warren Court, mainly because that court was preoccupied with

harsher treatment of criminals and more severe sentences. When he became President, I think he believed he had to fulfill a commitment to the nation by implementing his law-and-order program.

HUSTLER: Don't you also feel that he wanted a court that he could predict?

FAHRINGER: Predictability undoubtedly had something to do with it. We know today from the Watergate scandal that he was a terribly strong-willed man.

HUSTLER: Considering that the Supreme Court is appointed for life, and that the present court is relatively young — there aren't likely to be many vacancies created soon by death — how do you feel that the Burger Court will affect the destiny of our country?

FAHRINGER: I think we must resign ourselves to the fact that the Burger Court is

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**YOU MUST
REMEMBER THAT
THE POOR MAN'S
LIBRARY OR ART
MUSEUM IS THE
NEWSSTAND.///**

what he thinks. You know, there are many people in this country today who think people like Al Goldstein, Jim Buckley, and maybe even Larry Flynt should have their mouths washed out with soap for using four-letter words and discussing sex frankly. But I think that many times these tactics are used by Al Goldstein as a kind of shock weapon in a war against complacency. I think that Al Goldstein is very much concerned about public apathy that is suffocating society today.

HUSTLER: I understand *Screw* is having some problems obtaining their second class mailing permit and this in turn is costing their subscribers a considerable amount of money. Will this situation be resolved, or is it in limbo like the trial?

FAHRINGER: It's in limbo. We've had an awful time. Of course, that's an administrative decision, but we've had an awful lot of trouble trying to get it resolved for them. But it is pending.

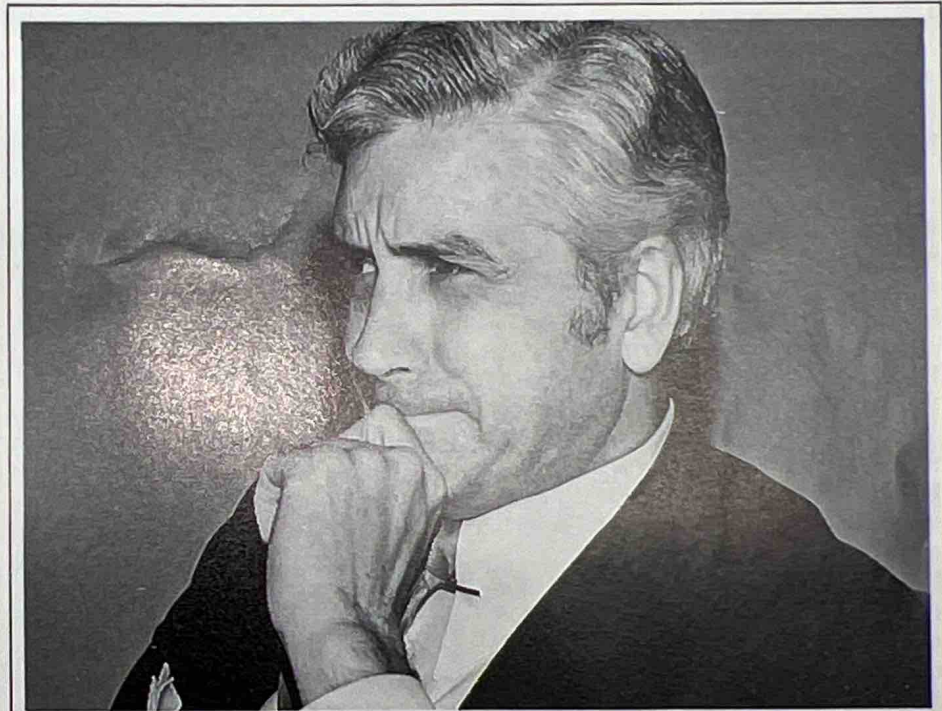
HUSTLER: Does an administrative arm of government, in this instance the Post

the expansion of individual liberties. And in the area of obscenity, I thought they adopted a very civilized and enlightened attitude. The Warren Court was on the verge of really reaching the conclusions we all hoped for: that is, allowing consenting adults to see anything they pleased. Restrictions would be limited to the distribution of sex literature to children or those who didn't want to see it. Then came Mr. Nixon's election and his subsequent appointments. He selected men who have been very conservative in terms of their judicial philosophy.

HUSTLER: Why do you think Nixon appointed this type of individual to the highest court in the land?

FAHRINGER: Well, he ran on a law-and-order program. He was successful in his 1968 Presidential campaign in advocating

withdrawing from the Constitutional frontiers established by the Warren Court. There has been a dramatic retreat from the positions held by its predecessors. We have seen a de-emphasizing of individual liberty with more power being given to the police. For instance, the right of privacy has been gravely imperiled today. Now we stand on the threshold of that terrifying world so grimly described by George Orwell in his book *1984*. Electronic surveillance, bugging, wiretapping and data banks have finally brought the weapons in the war against privacy to the doorstep of every man's home. The only defense against this form of government intrusion is our Constitution. Unfortunately, the Fourth Amendment, which ensures for all of us some privacy, has been left in a shambles by recent Supreme Court decisions.



HUSTLER: How many steps backward do you see us taking?

FAHRINGER: I think we have to prepare ourselves for a substantial withdrawal. The Burger Court is apparently not as concerned about the people's right of privacy as the Warren Court was, and I think that is sad. Inevitably freedom will suffer from this attrition of Constitutional rights.

HUSTLER: How do you think it will affect the destiny of enterprising publishers, such as myself and Al Goldstein, and the erotic entertainment industry in general?

FAHRINGER: I think the result will be very troublesome. There has already been enormous curtailment in the production of films and books concerned with sex.

HUSTLER: How do you feel about the Supreme Court's recent decisions on obscenity?

FAHRINGER: They were a bitter disappointment to those of us who are deeply committed to the proposition that the American public should have complete freedom in what it will be allowed to read and see. The Court, in my mind, has sown dragon's teeth in the once fertile soil of the First Amendment. I think a great many prosecutions are bound to spring up that will strangle many good books and motion pictures in this nation.

HUSTLER: Why has there been so much confusion in the law of obscenity?

FAHRINGER: Well, the subject of obscenity is like the concept of sin — it defies definition. Obscenity is a state of mind and therefore is not subject to measurement.

HUSTLER: What kind of decision would you have liked the Supreme Court to hand down?

FAHRINGER: The judgment that I have been yearning for all my professional career, and as a citizen, is one in which all controls over what the adult population of America can read or see will be eliminated. You must remember that the poor man's library or art museum is the newsstand. The rich and the privileged can go to exotic museums and theaters and see erotic shows. However, the working class have to get their entertainment from newsstands and movie houses.

HUSTLER: Do you believe that the Supreme Court has its hand on the pulse of the nation, or do you feel they couldn't care less about what the public wants?

FAHRINGER: You must understand the concept of the Supreme Court. Its members are appointed for life, and they are not supposed to be responsive to public opinion. Their responsibility is to decide issues strictly on the law and on Constitutional principles.

HUSTLER: Do you see any hope for the future of this country?

FAHRINGER: I have an enormous amount of confidence in the young people who will shape the future of our nation. They have a fresh approach to life and the problems confronting our country today. We must understand that in a rapidly changing culture, a long memory is a handicap, and precedent is irrelevant. I think this nation's youth have a lot to contribute to this country. With them lies our salvation.

HUSTLER: It is no secret that Justice William Douglas' health is failing and he is considered to be incompetent by other members of the Court. Do you feel that he should be asked to step down?

FAHRINGER: I would hate to see that happen. In my judgment it would be an awful loss to this country and to the Supreme Court because he has been a great spokesman for individual liberties and civil rights. If he were to be removed from the Court I think freedom in this land would suffer terribly.

HUSTLER: What do you see as the future of pornography in this country?

FAHRINGER: I have never lost hope that the day will come in this country when pornography will no longer be feared as some sort of witchcraft. I am convinced that obscenity breeds and multiplies in the dark crevices of a frightened society preoccupied with a sense of self-censorship. Once pornography is exposed to the strong sunlight of a completely free and uninhibited people, its appeal will surely diminish. I have an abiding confidence in the American public. I believe an adult can read or see anything without being morally corrupted. Therefore, the control of obscenity must be left to the self-regulating forces of the public's taste. More importantly, the choice of what books people will read or what films they will see for their own amusement must be left to them and not to the government. The right to read and see what we choose must include every book, film, magazine or newspaper — or in the long run it may include none.

HUSTLER: I asked a publisher, Larry Ross of Jaundice Press, how he felt about the future of pornography. He said, "As long as there is an ear lobe covered, somebody will want a photograph of it uncovered."

FAHRINGER: I believe that's true. Curiosity is the major driving force in inspiring people

THE PHILOSOPHER

When I am asleep I dream what I dream when I am awake. It's a continuous dream.

ANTONIO PORCHIA

to buy pornography. If it weren't illegal, I am convinced the market for it would evaporate.

HUSTLER: Can you extend that theory to legalized prostitution?

FAHRINGER: Yes, I believe you can. I am in favor of legalized prostitution for the same reasons I am opposed to censorship. I think that if a man wants to enjoy the comforts of a woman and is willing to pay for that accommodation the state has no business interfering with that form of enjoyment.

HUSTLER: Do you think we will ever see legalized prostitution in this country?

FAHRINGER: I don't know, but I do believe that in a civilized society any form of conduct which does not harm another and is not detrimental to society itself, should not be made illegal. Therefore, I am opposed to all laws against homosexuality, obscenity, and prostitution because no one is harmed.

HUSTLER: How about legalizing gambling in this country?

FAHRINGER: You have for all practical purposes legalized gambling in the state of New York today with the OTB and the state lottery. I don't understand why private persons are not allowed to engage in that enterprise for profit.

HUSTLER: We've talked about pornography and obscenity, but *Screw* is doing something unusual, which HUSTLER is also getting into somewhat, and that is satire, shock, tastelessness, all of which is as much a form of expression as erotic literature. Do you think there are any forms of expression that can possibly affect the public in an adverse manner?

FAHRINGER: Well, the President's Commission on Obscenity and Pornography, produced by the largest task force of social scientists ever assembled to study the influence of obscenity on people, concluded that hard-core pornography does not cause any increase in sexual crimes or alter the direction of sexual desires. I think it's regrettable that many of our political leaders have disavowed the finding of this remarkable study merely because the conclusions it reached were unpopular. I don't believe there is any form of literature that is capable of producing antisocial conduct.

The prevalence in our society today of blue movies, smut books, peep shows, underground newspapers and live sex shows is distressing to many, but this phenomenon apparently proves that a nation gets the kind of art and entertainment it wants and is willing to pay for. We must remember that no one is compelled to either read or see that which is repulsive to him. If the law suppressed that which sizable minorities in our society disliked, our

cultural store would be sparsely stocked.

HUSTLER: Many critics of obscenity like to use its effect on children as an excuse for suppressing it — not only in regard to sex, but violence as well. What's your opinion?

FAHRINGER: First of all, we don't suppress alcohol or cigarettes because these commodities may fall into the hands of children. We make the sale of those items to children illegal. Most states in this country have similar laws prohibiting the sale of obscenity to persons under the age of eighteen. However, the reading habits of adults cannot be limited to what is fit for children to read or see. Otherwise we would be limited to reading *Alice in Wonderland* and *Little Red Riding Hood*.

HUSTLER: You mentioned the American

/// **I AM IN FAVOR OF LEGALIZED PROSTITUTION FOR THE SAME REASONS I AM OPPOSED TO CENSORSHIP.** ///

Civil Liberties Union earlier. Do you work very closely with them?

FAHRINGER: Yes. In Buffalo we're their general counsel.

HUSTLER: Well, how do you feel about the ACLU?

THE PHILOSOPHER

Out of a hundred years a few minutes were made that stayed with me, not a hundred years.

ANTONIO PORCHIA

FAHRINGER: I support them. I think as an organization they have done more in preserving and protecting civil liberties than any other association. They consistently have fought for political freedom and free expression in this country. We must acknowledge that it takes a lot of courage to be free. Many people are afraid of freedom. People who occupy positions of power fear criticism and consequently try to stifle free expression. It is a threat to their security, and the easiest thing to do is to pass laws curtailing free expression.

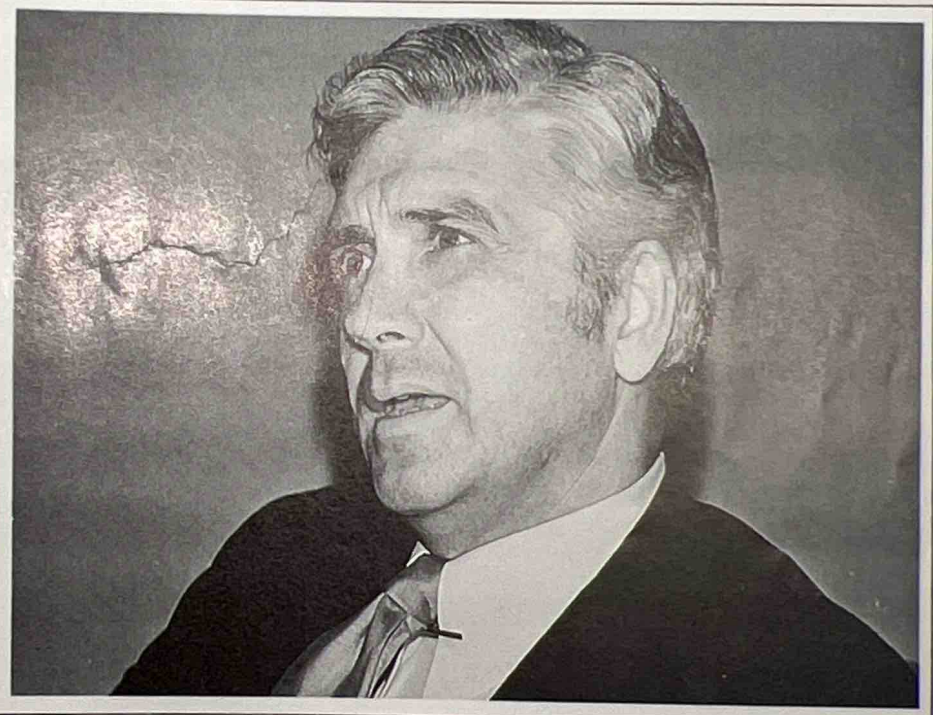
HUSTLER: Well, if free expression is so important to a democracy, why aren't we more diligent in trying to protect it?

FAHRINGER: One of the reasons is that free expression is not always easily recognized. For instance, free speech is an X-rated movie playing in a nice

HUSTLER: Could you tell us a little bit about that?

FAHRINGER: Well, Monique was a lady labeled by the press as a sado-masochist. She was charged with maintaining a house in New Jersey where men went with rather bizarre sexual appetites. It was claimed that she whipped them, spanked them, put them in chains and generally punished them. Her house was raided by the police and she was charged with a variety of sexual offenses. After her conviction I appealed her case to the United States Supreme Court, where we were successful. The conviction was reversed and the charges dismissed because of the violation of her right to privacy. The police had failed to obtain a search warrant and for that reason the Court reversed her conviction.

HUSTLER: Has your experience in the



neighborhood; it's truckloads of hard hats rolling down Main Street with big signs that say "Love It or Leave It"; a couple of years ago, it was young kids tramping around a federal courthouse shouting "Hell, no, we won't go"; it's the American flag sewn to the back of a pair of old blue jeans; it's long hair, beards, black leather jackets, *Screw* magazine, the *Wall Street Journal*, *Time*, *Newsweek*, and **HUSTLER**. It's all of that and much more. But whatever form it takes, it is indivisible; we cannot save it for one man and deny it to another. Free speech has to exist for all of us or the real risk is that it may not exist for any of us.

HUSTLER: What do you consider the most controversial case you've ever worked on?

FAHRINGER: I suppose the most controversial and the one that was most publicized is that of Monique Von Cleef,

theater or on television helped you in the courtroom?

FAHRINGER: I expect so. When I try a law suit I tend to be rather dramatic and flamboyant. I am convinced that in order to make your client's cause attractive to a jury you must dramatize it. I try to do this gracefully and with dignity.

HUSTLER: Do you have any preference in trying a case before a jury or a judge?

FAHRINGER: My preference is a jury because that process involves the collective judgment of twelve people rather than one. By multiplying judgments we tend to reduce the margin of error, and for that reason I prefer a jury.

HUSTLER: If you could make some changes in our legal system, what would you recommend?

FAHRINGER: I would like to see a more

equal distribution of legal services to the public. I'm afraid the poor and the underprivileged are not getting the quality of legal service they deserve. I would advocate a system that would furnish them with better representation.

Furthermore, I think our judicial system is top-heavy with judicial officers who were former prosecutors. This imbalance has created a built-in bias in our criminal justice system. There seems to be a lack of concern today for individual liberties that I believe harms our whole constitutional structure.

HUSTLER: Many critics of sexual freedom seem to feel that permissiveness leads to a moral deterioration in our society. What is your opinion of the present state of the country's morality?

FAHRINGER: I tend to believe that sexually explicit plays, movies and books hold up a mirror to a society's private fantasies. I think it's a reflection of a cultural mood. We all wonder from time to time how far it will go, but I'm confident the moral fiber of this country is unaffected by sexual permissiveness.

HUSTLER: Do you think morality in this country is decaying?

FAHRINGER: I don't know. I have trouble understanding that phenomenon. I became much more concerned about scandals like the Watergate incident, which convulsed this nation and drenched the White House in shame. Political espionage of that nature is far more alarming to me than dirty books and sexy movies.

HUSTLER: A big controversy last summer was the nude beaches; once again, this is a form of expression. What's your opinion on this?

FAHRINGER: I don't understand why anybody would want to interfere with people walking along a beach in the nude. I understand that these beaches were designed so that they are private. In other words, if you didn't want to see people in the nude or be in the nude yourself, you didn't have to walk in these areas. I am unable to understand why anybody would get upset about anything as trivial as that.

HUSTLER: Have you ever defended a rapist?

FAHRINGER: Yes.

HUSTLER: How do you feel about the charge of rape itself? Are the courts handling it properly in terms of sentencing?

FAHRINGER: My experience has been that rape cases fall into two categories. First, there is always the serious question whether there was in fact a rape. That is, did the girl consent or was she forced to engage in sexual conduct? The second type is the violent rape where a woman is

actually assaulted. In the latter situation it has been my experience that those men need psychiatric help and it doesn't serve any purpose to put them in prison. They should be hospitalized.

HUSTLER: What are your feelings about prison reform?

FAHRINGER: I think penal institutions have been sadly neglected over the past century. Prisons are no more than large warehouses. There is no such thing as rehabilitation. The mood of most penal institutions is one of absolute hopelessness.

HUSTLER: Who do you feel is responsible for this deplorable situation?

FAHRINGER: I would have to say a lack of public concern. You can't really blame the prison officials because their resources have been severely curtailed. We need better-trained personnel and more money to implement progressive programs.

HUSTLER: What are your feelings about capital punishment?

FAHRINGER: I'm opposed to it. If it is wrong for one person to take the life of another, then I believe it is wrong for the state to take a life. Surveys have proven that it has no deterrent value because 87 per cent of the homicides committed in this country involve people who are acquainted with one another. These murders usually occur in a fit of rage. Consequently, the offender is not thinking about the penalty he will suffer when he strikes, stabs or shoots the victim.

HUSTLER: Would you have represented Richard Nixon if he had called upon you?

FAHRINGER: Yes. Since any man is entitled to a defense, as I have indicated before, no matter how guilty, I would have felt obliged to represent him. Although his views and mine are a thousand light years apart, I would have tried to mount for him a good defense.

HUSTLER: Do you like to be referred to as a criminal lawyer?

FAHRINGER: No, not really. I prefer to be called a lawyer who defends criminal cases. I have been referred to as a Constitutional lawyer and that pleases me. I am very proud of that designation.

THE PHILOSOPHER

I believe that the soul consists of its sufferings. For the soul that cures its sufferings dies.

ANTONIO PORCHIA

HUSTLER: Who are some of the lawyers that you have a great deal of respect for, that you feel have made contributions to the expansion of Constitutional safeguards?

FAHRINGER: Well, in the field of Constitutional law, I have a great deal of respect for a man like Edward Bennett Williams, who is a fine criminal defense lawyer. I know him personally and have the utmost admiration for him. Of course, some of your leading Constitutional lawyers teach in law schools like Harvard, Yale or Columbia.

HUSTLER: You represented Buddy Rich in connection with his drug bust. What was the outcome of that case?

FAHRINGER: We were successful; I had the charges dismissed against him on legal grounds.

HUSTLER: So, I imagine you have a drummer for a friend now, too.

FAHRINGER: Yes, I hope so.

HUSTLER: How much of a reflection of your own sexual attitudes do you feel is prevalent in some of the pornography cases you've handled?

FAHRINGER: My sexual needs are quite pedestrian. So that feature of my make-up has never had much influence on me in terms of the type of cases I have taken.

HUSTLER: You're basically heterosexual?

FAHRINGER: Very much so.

HUSTLER: Do you have any close family members?

FAHRINGER: I have two sisters. One is married to an engineer and lives in Chicago, and the other is married to a minister and lives in Virginia. My mother is still alive and she lives in Georgia. But other than that, I am all alone.

HUSTLER: How do the members of your family and your other business associates feel about some of the clients you represent?

FAHRINGER: Well, my sister who is married to a minister is not too enthusiastic about some of the obscenity cases I have defended. The partners in my law firm are good enough lawyers to understand that no matter how unattractive my clients, they are entitled to a good defense.

HUSTLER: Are you happy in your profession?

FAHRINGER: Very much. I couldn't do anything else.

HUSTLER: What do you hope to achieve with these humanitarian crusades that seem to be incorporated into your life-style as an attorney?

FAHRINGER: I think man's highest achievement is improving the welfare of his fellow man. I guess my highest hope is that when I leave this world I can look back and feel that in some small way I've left it a better place in which to live. 