

New York Times Co. v. Sullivan

By: Kelly Van Buskirk



The Facts

- The New York Times published an advertisement advocating for Dr. Martin Luther King Jr.
- Trying to collect donations for the perjury charges he was about to face
- L.B. Sullivan was the City Commissioner during that time
 - One of the departments he was in charge of was the police department
- Maltreatment of African American students protesting segregation by the police department.
- The article/ advertisement had several minor factual mistakes
 - The amount of times MLK was arrested (4 instead of 7)
 - Some actions by police officers at Alabama State College
- L.B. Sullivan was not mentioned in the advertisement

Heed Their Rising Voices

In Tallahassee, Atlanta, Nashville, Savannah, Greensboro, Memphis, Richmond, Charlotte, and a host of other cities in the South, young American teenagers, in face of the entire weight of official state apparatus and police power, have boldly stepped forth as

Again and again the Southern violators have answered Dr. King's peaceful protests with intimidation and violence. They have bombed his home almost killing his wife and child. They have assaulted his person. They have arrested him seven times—for "speeding," "loitering" and similar "offenses." And now they have charged him with "perjury"—a felony under which they could imprison him for ten years. Obviously, their real purpose is to remove him physically as the leader to whom the students and millions

We must heed their rising voices—yes—but we must add our own.

We urge you to join hands with our fellow Americans in the South by supporting, with your dollars, this Combined Appeal for all three needs—the defense of Martin Luther King—the support of the embattled students—and the struggle for the right-to-vote.

New York Times editorial
Saturday, March 19, 1969

Lynda Adee	Al, Dick Knight Chaires	Anthony Furcinia	John Elfen	L. Joseph Owens	Maureen Stephens
Raymond Peter Alexander	Richard Cox	Leslie Hanbury	Earla Kih	Gloria Pidditt	Paul Shires
Harry Van Allen	Ned King Cole	Rev. Donald Harrington	Rabbi Shalom	Shal Priel	Hugh Stroud
Orly Babinette	Orly Crawford	Neil Hestfall	Henry Lewis	Sidney Pollack	George Usher
Jay Babinette	David Davidson	Jenna Hild	John Lown	J. Philip Randolph	Rev. Geoffrey C. Taylor
Dr. Algernon Black	Orson Davis	May Holman	Vivian Lindley	John Rault	Norman Thomas
Mae Blithen	Soreny Davis	Way Holton	Don Maffey	Steve Rice	Kenneth Tyson
William Branch	Way Day	Stephen Hughes	Cal Maffey	Judith Rissman	Carolyn Turner
Markon Brown	Dr. Philip Elliott	Mahe Invernizzi	John Muney	Ms. Eleanor Rosenthal	Clifford White
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Rev. C. W. Wright (Tulahoma, Tex.)	Rev. C. W. Wright (Tulahoma, Tex.)	Rev. J. L. Vay (Columbia, S.C.)	Rev. J. L. Vay (Columbia, S.C.)

COMMITTEE TO DEFEND MARTIN LUTHER KING AND THE STRUGGLE FOR FREEDOM AND THE SOUTH

312 West 126th Street, New York 27, N. Y. University 6-1700

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Committee To Defend Martin Luther King
and
The Struggle For Freedom In The South
312 West 125th Street, New York 27, N. Y.
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Please make checks payable to:
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- Sullivan saw the criticism of his subordinates as criticism on himself as well. He thought the article put him in a bad light since he oversaw the department
- Sullivan sent a written request to the New York Times to publicly retract the information in the ad
- In the state of Alabama, a public figure can seek punitive damages in a libel action
- The New York times refused to retract the statement, and were confused by his request
- Sullivan then filed libel action against the Times and multiple African American ministers who were also mentioned in the ad.
- Alabama State courts jury awarded Sullivan 500,000 dollars in damages
- State Supreme court affirmed their decision, but the Times appealed
- The verdict was affirmed by the Supreme Court of Alabama that the statements in the advertisement were libelous and that the evidence showed malice on the part of the newspaper.



Issue: Did Alabama's libel law unconstitutionally infringe on the First Amendment's freedom of speech and press protections?

Analysis: The First Amendment requires that the plaintiff show that the defendant knew that a statement was false or was reckless in deciding to publish the information without investigating whether it was accurate.



The Supreme Court

- Evaluated by writ of certiorari to the Supreme Court of the United States.
- In a unanimous opinion written by Justice Brennan, the Court ruled for the Times.
- The court held that there was no evidence was shown of the Times actual malice
- The First Amendment required a rule that prohibits a public official from recovering damages for a defamatory statements relating to the public official's official conduct unless the plaintiff can prove that the statement was made with actual malice
- Defined actual malice “the defamatory statement was false or made with reckless disregard of whether it was false or not”