

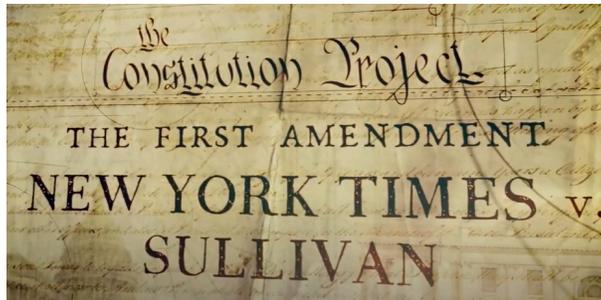


New York Times Company v. Sullivan: The Civil Rights Movement and Freedom of the Press

Grades 6-8 Lesson Plan by Don Jenkins

Grade Level: 6-8

Number of Class Periods: One to two 50 minute classes depending on which activities are used. More if the extension suggestions are used.



New York Times v. Sullivan Film Teacher Directions

**Student handouts found after the teacher directions

Watch the film [on YouTube](#), or via the Annenberg Classroom site [here](#).

Overview: This film examines freedom of the press, an essential First Amendment right, through the key Supreme Court Case New York Times v. Sullivan. It traces the relationship of the press to the Civil Rights Movement of the 1960's, and the ways in which proponents of segregation tried to use libel claims via the courts to prevent coverage of the violence inflicted upon peaceful protestors.

Themes from the film:

1. Freedom of the press is essential in a democracy.
2. Freedom of the press was essential to the success of the Civil Rights Movement.
3. Freedom of the press is under scrutiny today.
4. Americans are still fighting for civil rights today.

Essential and guiding questions:

1. What strategies were used to protest during the Civil Rights Movement?
2. How did segregationists respond to the Civil Rights Movement?
3. How did the court rule in *New York Times v. Sullivan* (1964)?
4. What role did freedom of the press play in helping the Civil Rights Movement?
5. What standards should be considered in order to balance the need for freedom of the press and the potential for harm to public officials?
6. How is freedom of the press being challenged today?
7. How are Americans fighting for civil rights today?

Teacher Directions: There are several different parts to this lesson plan and teachers can modify or eliminate parts of the lesson depending on time constraints and their class. The film itself is twenty-six minutes, but using all the parts of the lesson could last one to three fifty minute class periods. More time would be needed if you use one of the extensions like Project Citizen.

Viewing guide and student handouts are at the end of the lesson.

Lesson Suggestions:

Entry Task (5-10 minutes): Provide students with the Entry Task which includes text of the first amendment, vocabulary, and a scenario. Discuss the first amendment and vocabulary as a whole class. Have students read the scenario in small groups or individually and answer the question. Discuss as a whole class.

Images Analysis (10-15 minutes): Teachers could have students do this activity individually, in small groups, or as a whole class. Teachers may want to consider analyzing the first screenshot as a class so students know what to do for the other three screenshots. Have students look at the four screenshots from the film which show important events and people connected to the Civil Rights Movement and freedom of the press. This could be a gallery walk type activity with a screenshot and handout at each station or the screenshots and questions could be put on Google Classroom. Have students write down details they see in the picture, one question they have, and a caption that describes what is happening in the picture. Discuss screenshots and answers as a whole class.

Watch Film and Fill Out Viewing Guide (30-40 minutes)

Provide the viewing guide handout to students and discuss the directions. Definitions of segregation, libel, **actual malice (make sure students understand this term)**, and civil rights are provided on the handout. The handout has four columns for students to fill in with words, quotes, phrases, symbols or drawings: Strategies Civil Rights Protestors Used, Strategies Used By Segregationists To Counter Civil Rights Protesters, Freedom of the Press Connections, and Questions I Still Have. Give students time to discuss the handout and questions in small groups after the documentary is shown. Discuss as a whole class.

Before viewing the video, have students answer and discuss the following.

1. What are important rights all people should have?
2. How can those rights be protected?

During and **after** viewing the video students will also answer the following questions using evidence from the video:

1. What rights was the civil rights movement fighting for?
2. How was freedom of the press important to the success of the civil rights movement?
3. The United States Supreme Court ruled in *New York Times v. Sullivan* that in order to prove libel, a public official must show that what was said against them was made with actual malice – "that is, with knowledge that it was false or with reckless disregard for the truth." Do you agree with the ruling? Why or why not?

Primary Source Analysis (10-15 minutes)

Students could use the document analysis worksheet found at the [National Archives](#) or a [similar analysis handout](#). Here is another [website](#) with potential handouts to use. Break students into groups of two or three to analyze one of the following primary sources connected to *New York Times Co. v. Sullivan* and freedom of the press (1964). Have one student from each group summarize what the primary source is saying. The summaries could also be posted in columns on Padlet or something similar, each student could then write a reaction or ask a question about the summary.

**If time is limited, only analyze the Heed Their Rising Voice primary source or have students choose one.

1. [Heed Their Rising Voices](#)
2. [Excerpt from George Wallace Inaugural Address regarding segregation](#)
3. [Excerpt from Supreme Court Decision written by Justice Brennan](#)

Teachers could use this part of the opinion for their students to read:

We are required for the first time in this case to determine the extent to which the constitutional protections for speech and press limit a state's power toward damages in a libel (a published false statement that does damage to a person's reputation) action brought by a public official against critics of his official conduct...

Anyone claiming to be defamed by the communication (in this case the communication is the Heed Their Rising Voice advertisement) must show

actual malice (with knowledge that it was false)...As to The Times, we similarly conclude that the facts do not support a finding of actual malice...The judgment of the Supreme Court of Alabama is reversed.

4. [Justice Justice Clarence Thomas opinion on changing Sullivan decision](#)

Ending Discussion and Exit Ticket (5-10 minutes):

This discussion could be done in small groups or as a whole class. If you use Google Classroom it could also be done as online discussion. Another option is to have groups choose just one of the questions to discuss or assign certain groups to answer a question. These questions could also be used for further in depth research.

1. Is freedom of the press important today? Why or why not?
2. Is freedom of the press under attack today? Use examples from the video.
3. Are there any rights that are not being protected today? If so, what are they?
4. What standards should be considered in order to balance the need for freedom of the press and the potential for harm to public officials?

Summative Performance Task (20-30 minutes):

Using data they have collected from the film and other sources from the lesson, students work together or alone on one of the following assignments. Have students share their creation with a small group or whole class when done.

1. [One-pager](#): Students will outline, share, or illustrate what they've learned about the Civil Rights Movements and freedom of the press on a single page to represent the main ideas of the lesson.
2. [Acrostic](#): Students will create an illustrated acrostic poem using the terms civil rights and freedom of the press.
3. [Cartoon Strip](#): Students will create a cartoon strip using the main points of the documentary. Students could do this by hand or use Canva's cartoon strip maker.

Extensions:

1. Have students play iCivics [Do I Have A Right?](#) or [Argument Wars](#) to learn about The Bill of Rights and The Supreme Court.
2. Have students engage in the [Robert F. Kennedy Human Rights Speak Truth to Power](#) video contest to use film as a tool to discuss human rights and civil rights issues that resonate with them.
3. Have students complete [Project Citizen](#) to learn how to influence government on issues and problems which are important to them.

Suggested Grading:

- **Entry Task:** 5 points
- **Image Analysis:** 12 points for writing answers for each image.
- **Film Viewing Guide:** 15 points for filling in at least three examples for each of the 4 columns and answering the three questions.
- **Primary Sources Analysis:** Points will vary depending on which analysis worksheet is used.
- **Ending Discussion/Exit Ticket:** 8 points for written answers with explanation.
- **Summative:** 20 points

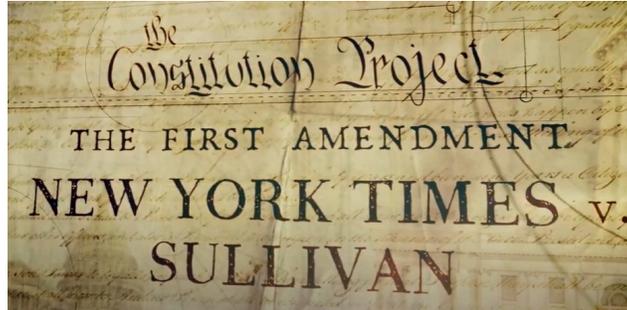
C3 Standards

- D2.His.1.6-8. Analyze connections among events and developments in broader historical contexts.
- D2.His.3.6-8. Use questions generated about individuals and groups to analyze why they, and the developments they shaped, are seen as historically significant.

Common Core Reading Standards for Literacy in History/Social Studies 6–12

- Key Ideas: Cite specific textual evidence to support analysis of primary and secondary sources.
- Integration of Knowledge and Ideas: Integrate visual information (e.g., in charts, graphs, photographs, videos, or maps) with other information in print and digital texts.

New York Times v. Sullivan Film - Entry Task



Directions: Read over the following terms, then read the following scenario and answer the question that follows.

First Amendment:

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

Vocabulary:

1. **Segregation:** the action or state of setting someone or something apart from others.
2. **Libel:** a published false statement that is damaging to a person's reputation
3. **Freedom of the press:** principle that communication and expression through various media, including printed and electronic media, especially published materials, should be considered a right to be exercised freely.

Scenario: The student school newspaper at John Lewis Middle School wanted to publish an article in the monthly school newspaper reporting that the school district created classes to segregate students based on skin color. The newspaper article does not specifically name the Superintendent as the person who created the classes, but everyone in the school district and community knew that she was the person who was responsible for creating these segregated classes. Everything in the article was true, except for the number of years the superintendent had been in the district. The principal would not allow the students to publish the article because he said it was libel and defamation which would damage the reputation of the superintendent and school district.

- Do you think the principal had the right to prevent the students from publishing the article in the school newspaper? Why or why not?

New York Times v. Sullivan Film: Image Analysis

Directions: Follow the instructions from your teacher and examine the four screenshots which show important events and people connected to the Civil Rights Movement and freedom of the press. Answer the following questions for each screenshot.

Screenshot #1:

1. What details do you see in the picture?
2. Write down one question you have.
3. Write a caption that describes what is happening in the picture.



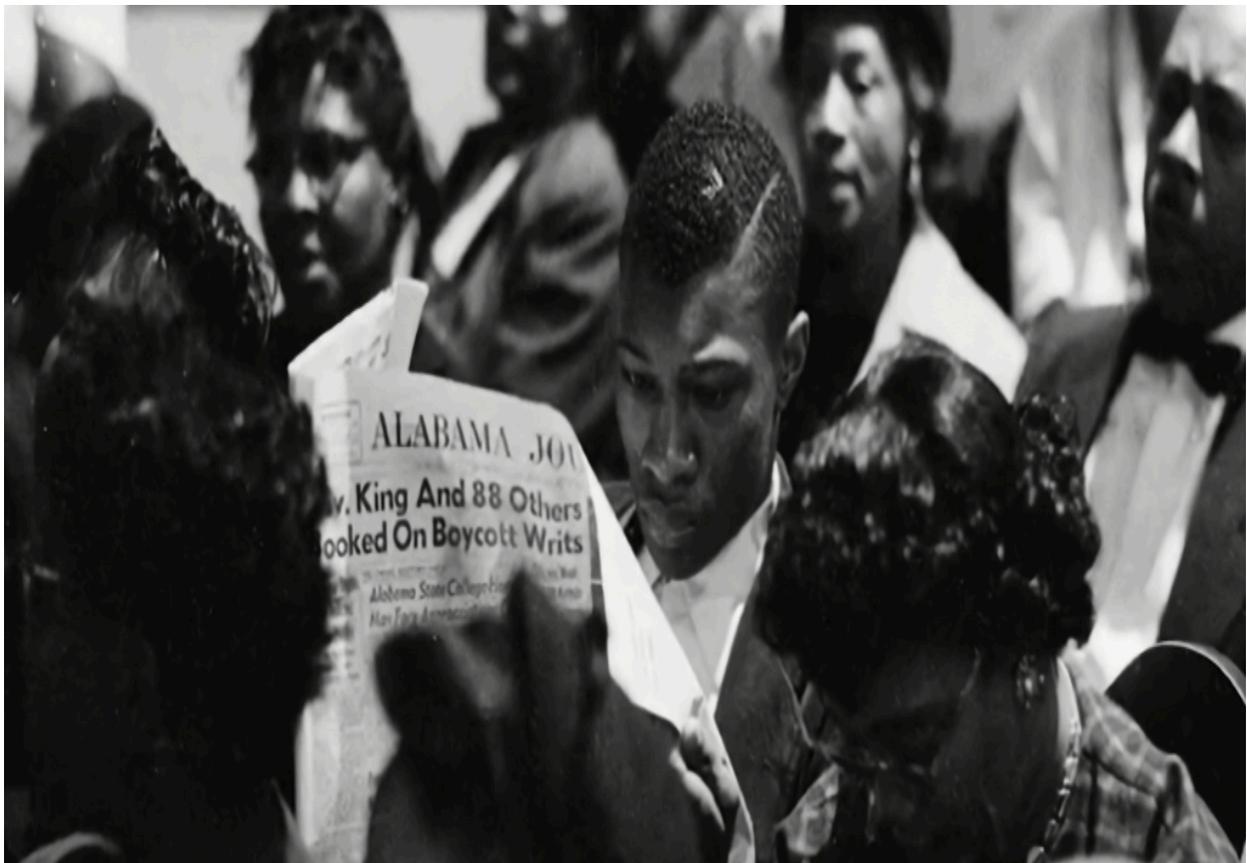
Screenshot #2:

1. What details do you see in the picture?
2. Write down one question you have.
3. Write a caption that describes what is happening in the picture.



Screenshot #3:

1. What details do you see in the picture?
2. Write down one question you have.
3. Write a caption that describes what is happening in the picture.



Screenshot #4:

1. What details do you see in the picture?
2. Write down one question you have.
3. Write a caption that describes what is happening in the picture.



New York Times v. Sullivan Film

Viewing Guide

Before viewing the video answer and discuss the following:

1. What are important rights all people should have?
2. How can those rights be protected?

Directions: Read over the words to know before the film. As you [watch the film](#), fill in with words, quotes, phrases, symbols or drawings connected to each column heading. Put in at least two examples in each column. For example, in the first column you might write sit-ins or draw African Americans sitting at a lunch counter. Also, write down 3-5 questions you have about anything you saw in the film. Be prepared to discuss your answers during and after the film.

Words to know:

Segregation: the action or state of setting someone or something apart from others.

Libel: a published false statement that is damaging to a person's reputation.

Actual malice: is a legal requirement for winning lawsuits imposed upon public officials or public figures when they file suit for libel in a court of law. In order to prove actual malice, public officials must prove that a statement was made with the knowledge that it was false or didn't care whether it was false or not.

Civil rights: guarantees of equal social opportunities and equal protection under the law, regardless of race, religion, or other personal characteristics.

Strategies Civil Rights Protestors Used	Strategies Used By Segregationists To Counter Civil Rights Protesters	Freedom of the Press Connections	Questions You Still Have???

After viewing the video answer the following questions using evidence from the video:

1. What rights were the Civil Rights Movement fighting for?
2. How was freedom of the press important to the success of the Civil Rights Movement?
3. The United States Supreme Court ruled in *New York Times v. Sullivan* that in order to prove libel, a public official must show that what was said against them was made with actual malice – "that is, with knowledge that it was false or with reckless disregard for the truth." Do you agree with the ruling? Why or why not?

New York Times v. Sullivan Primary Sources

Directions: Each one of these primary sources is connected to New York Times v. Sullivan. Primary sources are original documents and objects that were created at the time under study. Follow the directions given by your teacher to read and analyze the documents.

Primary Source #1: [Heed Their Rising Voices](#) - excerpt (a short part) from 1960 newspaper advertisement published in *The New York Times*, paid for by the "Committee to Defend Martin Luther King and the Struggle for Freedom in the South". The advertisement became the source of a libel suit in the United States Supreme Court case *New York Times v. Sullivan*.

As the whole world knows by now, thousands of Southern Negro students are engaged in wide-spread non-violent demonstrations in positive affirmation of the right to live in human dignity as guaranteed by the U.S. Constitution and the Bill of Rights. In their efforts to uphold these guarantees, they are being met by an unprecedented wave of terror by those who would deny and negate that document which the whole world looks upon as setting the pattern for modern freedom....In Orangeburg, South Carolina, when 400 students peacefully sought to buy doughnuts and coffee at lunch counters in the business district, they were forcibly ejected, tear-gassed, soaked to the skin in freezing weather with fire hoses, arrested en masse and herded into an open barbed-wire stockade to stand for hours in the bitter cold...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.

Primary Source #2: [Excerpt from George Wallace Inaugural Address regarding segregation](#) - Inaugural address of Governor George Wallace, which was delivered at the Capitol in Montgomery, Alabama on January 14, 1963.

Today I have stood, where once Jefferson Davis stood, and took an oath to my people. It is very appropriate that from this Cradle of the Confederacy, this very Heart of the Great Anglo-Saxon Southland, that today we sound the drum for freedom as have our generations of forebears before us done, time and again through history. Let us rise to the call of freedom-loving blood that is in us and send our answer to the tyranny that clanks its chains upon the South. In the name of the greatest people that have ever trod this earth, I draw the line in the dust and toss the gauntlet before the feet of tyranny...and I say...segregation now...segregation tomorrow...segregation forever.

Primary Source #3: [Excerpt from Supreme Court Decision for New York Times v. Sullivan, written by Justice Brennan](#)

We are required for the first time in this case to determine the extent to which the constitutional protections for speech and press limit a state's power toward damages in a libel (a published false statement that does damage to a person's reputation) action brought by a public official against critics of his official conduct...

Anyone claiming to be defamed by the communication (in this case the communication is the Heed Their Rising Voice advertisement) must show actual malice (with knowledge that it was false)...As to The Times, we similarly conclude that the facts do not support a finding of actual malice...The judgment of the Supreme Court of Alabama is reversed.

Primary Source #4: [Justice Clarence Thomas opinion on changing Sullivan decision](#). Opinion of Supreme Court Justice Clarence Thomas in the case of Don Blankenship v. NBC Universal on October 10, 2023 stating that the actual malice standard from the New York Times v. Sullivan case should be reviewed.

The Court usurped (took) control over libel law and imposed its own elevated standard in New York Times Co. v. Sullivan, 376 U. S. 254 (1964). It decreed (said) that the Constitution required “a federal rule that prohibits a public official from recovering damages for a defamatory falsehood relating to his official conduct unless he proves that the statement was made with ‘actual malice’—that is, with knowledge that it was false or with reckless disregard of whether it was false or not.” Id., at 279–280. The Court did not base this “actual malice” rule in the original meaning of the First Amendment. It limited its analysis of the historical record to a loose inference from opposition surrounding the Sedition...I continue to adhere to my view that we should reconsider the actual-malice standard.

Ending Discussion and Exit Ticket

Directions: Answer the following questions in complete sentences.

1. Is freedom of the press important today? Why or why not?
2. Is freedom of the press under attack today? Use examples from the video.
3. Are there any rights that are not being protected today? If so, what are they?
4. What standards should be considered in order to balance the need for freedom of the press and the potential for harm to public officials?

Summative Task

Summative Choice Assignment

Directions: Choose one of the following assignments to show what you learned.

1. **One-pager:** Create an outline, share, or illustrate what you have learned about the civil rights movements and freedom of the press on a single page to represent the main ideas of the lesson.
2. **Acrostic:** Create an illustrated acrostic poem using the terms civil rights and freedom of the press.
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Extensions:

1. Play iCivics [Do I Have A Right?](#) or [Argument Wars](#) to learn about The Bill of Rights and The Supreme Court.
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