



## The Press, Political Power, and Protest: Examining *New York Times v. Sullivan*

Grades 9–12 Lesson Plan by Tanya L. Roth

### Learning Objectives

Students will use Annenberg Classroom’s “First Amendment: *New York Times v. Sullivan*” as a foundation for examining the Civil Rights Movement, the Freedom of Press, and the First Amendment in the United States.

- Students will use primary sources to corroborate and analyze facts about the Civil Rights Movement and First Amendment rights in the United States.
- Students will assess the free press’s role and impacts on American society.
- Students will evaluate the rights and responsibilities of citizenship that accompany the right to freedom of press.

Themes	Guiding Questions	Essential Question
Civil Rights Movement Freedom of Press First Amendment Rights and Responsibilities of Citizenship Media Literacy	How does freedom of press shape American society?  Why was the Civil Rights Movement effective in generating change?  What does it mean to be an “informed citizen”?	What should be the relationship between an informed citizenry, free press, and public officials?

## Logistics

This lesson may be adapted for a variety of teaching schedules. It would be ideal to have a minimum of one 45-60 minute class period in order to view the documentary and engage students in a brief discussion. One option includes the following:

Day 1	Day 2-3
<ol style="list-style-type: none"><li>1. Hook</li><li>2. Read “Heed Their Voices”</li><li>3. Watch documentary</li><li>4. Conclude with a roundtable or Harkness-style discussion</li></ol>	<ol style="list-style-type: none"><li>1. Homework: Annenberg Classroom Chapter 15</li><li>2. Primary Source analysis</li><li>3. Secondary Sources</li><li>4. Discussion/assessment</li></ol>

You will need the following items as you proceed through the lesson:

Physical	Digital
<p>Pre-Viewing Chalk Talk:</p> <ol style="list-style-type: none"><li>1. Pens or pencils</li><li>2. 1 copy of “Heed Their Voices” for every 3-5 students</li><li>3. Place each copy on a larger blank piece of paper so students may annotate around the document</li></ol>	<p>Documentary: <a href="#">First Amendment: New York Times v. Sullivan</a></p> <p><i>Optional</i></p> <ol style="list-style-type: none"><li>1. Digital Whiteboard</li></ol>

## Teaching Strategies

This lesson uses a variety of teaching strategies

- Note-taking skills to retain key information (graphic organizer)
- Partner discussions to brainstorm ideas and other information (hook)
- A Chalk Talk annotation to analyze a primary source (pre-viewing activity)
- Small group work (analyze/discuss documents)
- Student-Led Discussions, including jigsaw discussions and roundtable/Harkness discussions

Lesson extensions may also include a gallery walk of Civil Rights media coverage, or assign students to research and present on libel cases.

## Standards Alignment

C3 Standards	Common Core Reading Standards for Literacy in History/Social Studies 6-12
D2.His.1.9-12. Evaluate how historical events and developments were shaped by unique circumstances of time and place as well as broader historical contexts.	CCSS.ELA-LITERACY.RH.9-10.1: Cite specific textual evidence to support analysis of primary and secondary sources, attending to such features as the date and origin of the information.
D2.His.12.9-12. Use questions generated about multiple historical sources to pursue further inquiry and investigate additional sources.	CCSS.ELA-LITERACY.RH.9-10.9: Compare and contrast treatments of the same topic in several primary and secondary sources.

## Sources

**Anchor Source:** [First Amendment: New York Times v. Sullivan](#)

### Primary Sources:

1. *The Birmingham News* and *The New York Times*: comparing front page coverage during the Civil Rights Movement. These sources both appear in Audie Cornish [“How the Civil Rights Movement Was Covered in Birmingham,”](#) *NPR*, 18 June 2023
2. [“Heed Their Rising Voices”](#) advertisement, including transcript
3. Eleanor Roosevelt, [“My Day” column](#), 6 February 1961 (Selection)
4. [Justice Brandeis, quoted in \*New York Times v. Sullivan\* opinion](#)
5. [“Time, Inc., is Sued by Mrs. Firestone,”](#) *New York Times* 1966
6. [“High Court Limits Press’s Protection Against Libel Suits,”](#) *New York Times* 1976

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### Secondary Sources:

These sources corroborate the Annenberg documentary, with additional details on media coverage of the Civil Rights Movement

1. [Audie Cornish, “How the Civil Rights Movement Was Covered in Birmingham,”](#) *NPR*, 18 June 2013
  - a. This article, also available as a 7-minute audio clip, includes an interview focusing on southern coverage of the Civil Rights movement.

2. [Alabama Public Radio, “How the Media Covered the Civil Rights Movement: Black Newspapers,” 11 December 2013](#)
    - a. This article is also available as a 5:31 minute audio clip, but provides additional details on how Black newspapers covered the Civil Rights Movement and the initial lack of coverage in media outlets such as the *New York Times*.
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### Homework (after viewing documentary):

1. Annenberg Classroom, [The Pursuit of Justice - Chapter 15: Freedom of the Press in a Free Society](#)
  - a. Students use this source after viewing the documentary. They should be directed to focus their attention on reviewing the facts of *New York Times v. Sullivan* and note the discussion of cases that followed.

## Lesson Plan

★ Classroom Setup: place students in small groups of 3-5. ★

### Pre-Viewing Activities: Hook and Chalk Talk (10-15 min)

*Note: if you have only 1 class period of 45 minutes for this lesson, omit the pair-n-share.*

1. **Opening Hook: Pair-and-Share:** Ask students to turn to a partner and identify examples of “freedom of the press”. Give them about a minute to share their ideas, then ask them to share their examples with the whole class.  
*Option:* Students may complete this activity using whiteboards or a digital whiteboard such as Canva.
2. **Chalk Talk:** Give each group a physical copy of “Heed Their Voices,” ideally attached to a larger piece of paper (such as butcher paper).
  - a. Explain that a chalk talk is a silent activity
  - b. Students should read the document and silently annotate, looking for:
    - i. Main idea/Document’s purpose
    - ii. Supporting evidence
    - iii. Names or events they recognize.
    - iv. Questions students have
  - c. Ask groups to share a response to one of those items.

## Watching the Documentary (30–35 minutes)

Provide students with a copy Handout 1: Documentary Graphic Organizer. This document will prompt them with words to define, important quotes to consider, and offer a place for them to take notes. The handout has 2 sides; either side, or both, could be used while viewing.

If time permits, pause the video periodically during the viewing, as indicated below. These pause points offer spaces to check-in with students and to address questions.

1. Pause at 3:12: the end of the documentary introduction
2. Pause at 9:52 : ensure students have a good grasp on what is happening
3. Pause at 14:06: ask students why LB Sullivan won the case in Alabama

Allow 5 to 10 minutes of post-viewing discussion. Teachers who implement this lesson over longer classes or multiple days will have further opportunities for class discussion.

### Lesson Plan, Cont.

## Post-Viewing Discussions

*Best for longer class periods or for those completing the lesson across multiple days.*

Teachers completing this lesson in a single, short period (45–60 minutes) will have less time for class discussion, but devoting even 5–10 minutes to discussion at the end of class offers important space for students to reflect, process, and deepen their understanding. Short discussions like this may be more likely teacher-led, but those who have experience using Harkness or other student-led discussion methods can still employ those approaches even in a short period of time.

For more information on different discussion strategies, please see the next page.

Consider the following questions as starting points for discussion, either as a full class or in smaller groups:

- Why was freedom of the press so important to the Civil Rights Movement?
- What is the connection between freedom of the press and public officials?
- What were the inaccuracies in the “Heed Their Voices” ad?
- How important were those inaccuracies?
- Why are libel and defamation *not* considered free speech?
- What is “reckless disregard for falsity”?

- How do you hold public officials accountable - while also considering the harm that might do?
- Can you think of circumstances where *New York Times v. Sullivan* might apply?
- Read the following quote from the documentary and use it as a starting point for further reflection:
  - “You must constantly, constantly examine your society, examine yourself, to see whether or not justice is prevailing in your society. And the press is very important in that regard. Democracy works only if we know what the government is doing, and we rely on the press to tell us that.” - Justice Kennedy
    - What is Justice Kennedy saying here?
    - Why does Justice Kennedy believe this?

## Assessment Methods

Primary source analysis, secondary source readings, and discussions may all be used for formative assessment.

### Discussion options for Primary and/or Secondary Source Analysis

#### **Jigsaw Discussions**

Students will examine individual primary source and secondary source documents in small groups of 3-5. Not every group will have the same materials to examine. After reading, annotating, and discussing their documents, students will then “jigsaw” by forming new groups to bring their knowledge to other students.

#### **Roundtable/Harkness Discussions**

These student-led discussions, usually done for an extended length of time (20+ minutes) provide students a way to take ownership of their learning and learn from one another. In these formats, students process and reflect on their learning, focusing on the guiding questions, the essential question, or other questions the instructor may decide to generate with students. Additionally, ask students to create their own discussion questions in advance.

For teachers seeking summative assessments, there are many options, depending on teacher needs and time constraints. Consider the following possibilities:

1. Research and present on a case that used *New York Times v. Sullivan* as precedent.
2. Choose a current event; write an essay analyzing the importance of a free press in light of that event.

3. Use a roundtable, Harkness discussion, or socratic seminar as a summative or formative assessment.

### Extension

While the documentary focuses on the importance of a free press in holding public officials accountable and helping make informed citizens, it does not address another overarching question of media today: media accountability. If *New York Times v. Sullivan* ruled that mistakes may happen in the midst of open discussion in a democracy, then what about the role of media bias or misleading media that students may encounter today? One extension or assessment opportunity might ask students to consider this question, extending the lesson into media literacy as a larger topic.

## Additional Notes and Resources

The following items may be of interest to teachers seeking extra support for students, primarily in terms of document analysis, annotation, and Civil Rights Movement context. Other resources below provide further information on teaching strategies and tools for digital literacy instruction as a possible extension.

Analyze a Written Document (Worksheet) - National Archives

<https://www.archives.gov/files/education/lessons/document-analysis/english/analyze-a-written-document-intermediate.pdf>

Digital Inquiry Group (Formerly Stanford History Education Group) - Civic Online Reasoning Curriculum

<https://cor.inquirygroup.org/>

Facing History & Ourselves: Annotating and Paraphrasing Sources

<https://www.facinghistory.org/resource-library/annotating-paraphrasing-sources>

Harkness Teaching Tools, Phillips Exeter Academy

<https://www.exeter.edu/programs-educators/harkness-outreach/harkness-teaching-tools>

Library of Congress Primary Source Set online, The Civil Rights Movement

<https://www.loc.gov/classroom-materials/civil-rights-movement/>

Understanding Perspective in Primary Sources (Worksheet) - National Archives

<https://www.archives.gov/files/education/lessons/document-analysis/english/understanding-perspective-in-primary-sources.pdf>

## Handout 1: Documentary Graphic Organizer

Take notes as you watch. Try to identify important themes, ideas, people, events, and changes that were happening.

Briefly define each of these terms as you hear them.

- Segregation
- Free Press
- Advertorial
- Libel
- Defamation
- Actual malice

“Were there no press to publicize the kind of rabid hostility to change, I don’t think the civil rights movement would have succeeded.” - Mary Frances Barry, The University of Pennsylvania

“It’s not the critic’s job to prove that something is true. It’s the powerful person’s job to prove that something is false.”  
- Burt Neuborne, New York University School of Law

“Democracy doesn’t work unless you have a population that is concerned with what that government is doing - especially in an age when government has so much power”  
- Former U.S. Supreme Court Justice Anthony Kennedy



**Handout 1 (Cont)**

*Take notes as you watch. Try to identify important themes, ideas, people, events, and changes that were happening.*

*What questions do you have? What are you curious about? What do you want to know after seeing this film?*

Primary Source #1 Two newspapers on the same day  
 According to these front pages, what was happening in the US and the Civil Rights Movement? ([Source](#))

**LATE FINAL** **The Birmingham News** **W. JENKINS**  
 16 Pages Birmingham, Ala., Saturday, May 4, 1968 Price: 5 Cents

**POTOMAC OFFBEAT**  
**Opp's The secret's now out: Brothers Kennedy get quip from a girl**

**NEWS WASHINGTON BUREAU**  
 The Washington Post today reported that the Kennedy family had received a letter from a young girl in Washington, D.C., who had written to them asking for help in getting a job. The letter was signed "Sally" and was addressed to the Kennedy family in Hyannis Port, Mass.

**So, the astronauts ate their spaceship**

**Haiti on brink of new explosion as Duvalier declares martial law**

**Noted civic leader killed in collision**

**Rocky, divorcee become man, wife**

**Gov. Wallace deplores mix demonstration**

**Moxley new head of waterway group**

**Tusaloosan dies of attack**

**Sunday preview**

**Control details**

**Dr. Birmingham News**

**"All the News That's Fit to Print"** **The New York Times** **LATE CITY EDITION**  
 VOL. CXX, No. 54,616 "TRINIDAD" NEW YORK, SATURDAY, MAY 4, 1968 10 CENTS

**BOSS AND HOSES REPULSE NEGROBS AT BIRMINGHAM**

**Violence Explodes at Racial Protests in Alabama**

**OFFICIALS CLASH OVER CITY BUDGET AS HEARINGS END**

**FIVE NAASSETTES RESIGN IN SYDNEY, RESUME IS SHAKEN**

**Wolcott Camp's Police Stationers In Charge to Fold**

**BATHMANS PLACED UNDER ARMY RULE; CURFEW IMPOSED**

**2 Students Killed in Road in 4 Counties in 4 Hours—Birmingham Police Report**

**200 MARCHERS SEIZED**

**Robert Kennedy Plans Visit to Tennessee, King Says Protesters Will Be Provoked**

**NO PROTEST MARCHES**

**Noted civic leader killed in collision**

**Special session drawing to close**

**SONATORS LIMIT PORTAL FUND OUT**

**S.L.A. PLANS STUDY OF BRIBE ATTEMPT**

**10 on Freedom Walk Seized at Alabama Line**

**THICK COPPERS SET AFIRE IN LAOS**

**Brooklyn School Project Halted Because of Defects in Concrete**

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# The New York Times.

NEW YORK, FRIDAY, MARCH 20, 1968

*"The growing movement of peaceful mass demonstrations by Negroes is something new in the South, something understandable. . . . Let Congress heed their rising voices, for they will be heard."*

—New York Times editorial  
Saturday, March 19, 1968

## Heed Their Rising Voices

As the whole world knows by now, thousands of Southern Negro students are engaged in widespread 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 600 students peacefully sought to buy doughnuts and coffee at lunch counters in the business district, they were forcibly ejected, tear-gassed, pushed to the side in freezing weather with fire hoses, arrested en masse and hurled into an open barbed-wire stockade to stand for hours in the bitter cold.

In Montgomery, Alabama, after students sang "My Country, 'Tis of Thee" on the State Capitol steps, their leaders were expelled from school, and truckloads of police armed with shotguns and tear-gas ringed the Alabama State College Campus. When the entire student body protested to state authorities by refusing to re-register, their dining hall was padlocked in an attempt to starve them into submission.

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 stopped both on

protagonists of democracy. Their courage and amazing restraint have inspired millions and given a new dignity to the cause of freedom.

Small wonder that the Southern violators of the Constitution fear this new, non-violent brand of freedom fighter . . . even as they fear the spreading right-to-vote movement. Small wonder that they are determined to destroy the new men who, more than any other, symbolize the new spirit now sweeping the South—the Rev. Dr. Martin Luther King, Jr., world-famous leader of the Montgomery Bus Boycott. For it is his doctrine of non-violence which has inspired and guided the students in their widening wave of sit-ins; and it is this same Dr. King who founded and is president of the Southern Christian Leadership Conference—the organization which is spearheading the surging right-to-vote movement. Under Dr. King's direction the Leadership Conference conducts Student Workshops and Seminars in the philosophy and technique of non-violent resistance.

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 attacked his person. They have arrested him seven times—for "speaking," "teaching" and similar "offenses." And now they have charged him with "perjury"—folly under which they could imprison him for six years. Obviously, their real purpose is to remove him physically as the leader to whom the students and millions

of others look for guidance and support, and thereby to intimidate all leaders who may rise in the South. Their strategy is to belated this affirmative movement, and then to demoralize Negro Americans and weaken their will to struggle. The defense of Martin Luther King, spiritual leader of the student sit-in movement, clearly, therefore, is an integral part of the total struggle for freedom in the South.

Demotivated Americans cannot help but applaud the creative daring of the students and the quiet heroism of Dr. King. But this is one of those moments in the storied history of Freedom when men and women of good will must do more than applaud the rising glory of others. The America whose good sense hangs in the balance before a wretched world, the America whose heritage of Liberty these Southern Upholders of the Constitution are defending, is our America as well as theirs. . . .

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

We must extend ourselves above and beyond moral support and render the material help so urgently needed by those who are taking the risks, facing jail, and even death in a glorious re-affirmation of our Constitution and its Bill of Rights.

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.

### Your Help Is Urgently Needed . . . NOW !!

Isola Adler  
Raymond Rene Alexander  
Teddy Auchter  
Henry Van Auble  
Harry Babette  
John Baldwin  
D. Alperin Bell  
Mary Blanton  
William Bove  
Wilson Branch  
Harlan Brink  
Mrs. Ralph Burtis  
Dorcas Carroll  
Dr. Alan Knight Chavira

Joseph Cohen  
Richard Cox  
Nat King Cole  
David Crawford  
Dorothy Dandridge  
Oren Davis  
Sammy Davis, Jr.  
Ruby Dee  
Harry Duff  
Isabel Einfeld  
Dr. Philip Blatt  
Dr. Perry Emerson  
Finkel

Anthony Domingue  
Melvin Carter  
Lorraine Funchess  
Rev. Donald Hargrove  
Nat Harshb  
James Hild  
Mary Hobson  
Tee Hylke  
Langston Hughes  
Wanda Johnson  
Marilyn Jackson  
Paul Jernigan  
Woodard Johnson  
John Kilian

Betty Kirk  
Ralph Edward Kirk  
Hazel Lantz  
John Lewis  
Yvonne Littleton  
David Livingston  
William McMillan  
Carl Moody  
Don Murray  
A. J. Rouse  
Reuben O'Neal  
Rosa O'Neil  
L. Joseph Oshes

Albert P. Palmer  
Gemma Palmer  
Paul Peltz  
Libby Peltz  
Michael Peltz  
A. Felix Randolph  
John Rife  
Eric Rife  
Cleveland Robinson  
Jackie Robinson  
Mrs. Eleanor Rossard  
Raymond Ruffin  
Robert Ruffin  
Rebecca Ruffin

Frank Shera  
Loren Simon  
Helen Simpson  
David Sullivan  
Lula Tate  
George Taylor  
Rev. Gardner C. Taylor  
Homer Thomas  
Kenneth Tynes  
Charles White  
Shelby Wilson  
Mrs. Yvonne

*We in the south who are struggling daily for dignity and freedom warmly endorse this appeal*

Rev. Ralph D. Abernathy  
(Montgomery, Ala.)  
Rev. Fred L. McManis  
(Huntsville, Ala.)  
Rev. Kelly Miller Smith  
(Nashville, Tenn.)  
Rev. W. A. Jones  
(Chattanooga, Tenn.)  
Rev. C. K. Shank  
(Fayetteville, Tenn.)

Rev. Matthew D. McCall  
(Chapel Hill, N. C.)  
Rev. William Hinton  
(Milledgeville, Ga.)  
Rev. Douglas Moore  
(Shelton, N. C.)  
Rev. Wyatt Tee Walker  
(Petersburg, Va.)

Rev. Walter L. Hamilton  
(Shirley, Va.)  
I. S. Long  
(Columbia, S. C.)  
Rev. Martin Luther King, Jr.  
(Atlanta, Ga.)  
Rev. Henry C. Butler  
(Chattanooga, Tenn.)  
Rev. S. S. Long, Jr.  
(Chattanooga, Ala.)  
Rev. Samuel W. Wilkins  
(Atlanta, Ga.)

Rev. A. L. Davis  
(New Orleans, La.)  
Mrs. Kate L. Whittaker  
(New Orleans, La.)  
Rev. W. H. Hall  
(Huntsville, Ala.)  
Rev. T. E. Conway  
(Shelton, Ala.)  
Rev. T. J. Jernigan  
(Baton Rouge, La.)

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Chairman: A. Philip Randolph, Dr. Gardner C. Taylor; Chairman of Cultural Division: Harry Belafonte, Sidney Poitier; Treasurer: Nat King Cole; Executive Director: Bayard Rustin; Chairman of Church Division: Father George E. Ford, Rev. Harry Emerson Fosdick, Rev. Thomas Kilgus, Jr., Ralph Edward E. Kirk; Chairman of Labor Division: Martin Johnson, Cleveland Robinson.

**Primary Source #2, Cont:** Transcript of "Heed Their Rising Voices"

*The New York Times*  
NEW YORK, TUESDAY, MARCH 29, 1960

"The growing movement of peaceful mass demonstrations by Negroes is something new in the South, something understandable.... Let Congress heed their rising voices, for they will be heard." - New York Times editorial, Saturday, March 19, 1960

**Heed Their Rising Voices**

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....

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Small wonder that the Southern violators of the Constitution fear this new, non-violent brand of freedom fighter...even as they fear the upswelling right-to-vote movement. Small wonder that they are determined to destroy the one man who, more than any other, symbolizes the new spirit now sweeping the South-the Rev. Dr. Martin Luther King, Jr., world-famous leader of the Montgomery Bus Protest. For it is his doctrine of non-violence which has inspired and guided the students in their widening wave of sit-ins; and it is this same Dr. King who founded and is president of the Southern Christian Leadership Conference-the organization which is spearheading the surging right-to-vote movement. Under Dr. King's direction the Leadership Conference conducts Student Workshops and Seminars in the philosophy and technique of non-violent resistance.

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 with "perjury" 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 of others—look for guidance and support, and thereby to intimidate all leaders who may rise in the South. Their strategy is to behead this affirmative movement, and thus to demoralize Negro Americans and weaken their will to struggle. The defense of Martin Luther King, spiritual leader of the student sit-in movement, clearly, therefore, is an integral part of the total struggle for freedom in the South.

Decent-minded Americans cannot help but applaud the creative daring of the students and the quiet heroism of Dr. King. But this is one of those moments in the stormy history of Freedom when men and women of good will must do more than applaud the rising-to-glory of others. The America whose good name hangs in the balance before a watchful world, the America whose heritage of Liberty these Southern Upholders of the Constitution are defending, is our America as well as theirs...

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

We must extend ourselves above and beyond moral support and render the material help so urgently needed by those who are taking the risks, facing jail, and even death in a glorious re-affirmation of our Constitution and its Bill of Rights.

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.

Your Help is Urgently Needed...NOW!!

**Primary Source #3:** Eleanor Roosevelt's "My Day" Column, February 6, 1961 ([Source](#))

WALTHAM, Mass.—In the past few days I have twice had the opportunity of hearing Dr. Martin Luther King speak—once at the annual Roosevelt dinner of the Americans for Democratic Action, on Thursday night, and again on Friday afternoon in New York at a meeting at Mrs. Dorothy Norman's home.

Dr. King is a very moving speaker. He is simple and direct, and the spiritual quality which has made him the leader of non-violence in this country touches every speech he makes. He speaks, of course, for that Southern organization which is gradually gaining support all over the United States—the Congress of Racial Equality, known as CORE. Its new national director, James Farmer, impresses me as a very intelligent and capable man.

Three of the students who have taken part in the non-violent sit-ins or picketing were present with Dr. King, and one of them spoke. I don't think anyone could have helped but be moved merely by looking at the faces of these young people. Dr. King said that they were prepared for sacrifice and suffering, because they knew that a cause which did not require this of them would probably not develop the best in its followers.

Dr. King recounted the stories of ten CORE members who were arrested at a lunch counter in Rock Hill, S.C. Nine of them are on the chain gang today. Their sentence is for 30 days—and it has been snowing of late in South Carolina. Nevertheless two of the members have written to CORE headquarters to say that "jail is not pleasant, but for us it is a haven of freedom and preferable to the segregated society outside."

Does this shock you just a little? The words of these young men would seem to disprove statements often made that the Negroes do not mind segregation, that all agitation is brought about by outside meddlers who create an artificial atmosphere of dissatisfaction and unrest. Some of our Southern legislators, indeed, have blamed this on the Communists. Yet I am afraid these young people disprove such assertions by their peaceful resistance, and by their determination to do away with inequality between races and to have real democracy in the United States...

E. R.

**Primary Source #4:** Justice Louis Brandeis, quoted in *New York Times v. Sullivan* ([Source](#))

“Those who won our independence believed . . . that public discussion is a political duty, and that this should be a fundamental principle of the American government. They recognized the risks to which all human institutions are subject. But they knew that order cannot be secured merely through fear of punishment for its infraction; that it is hazardous to discourage thought, hope and imagination; that fear breeds repression; that repression breeds hate; that hate menaces stable government; that the path of safety lies in the opportunity to discuss freely supposed grievances and proposed remedies, and that the fitting remedy for evil counsels is good ones. Believing in the power of reason as applied through public discussion, they eschewed silence coerced by law -- the argument of force in its worst form. Recognizing the occasional tyrannies of governing majorities, they amended the Constitution so that free speech and assembly should be guaranteed.”

Primary Source #5: "Time, Inc., is Sued by Mrs. Firestone," *New York Times*, July 12, 1966

## **TIME, INC., IS SUED BY MRS. FIRESTONE**

**PALM BEACH, Fla., July 11 (AP)**—Mrs. Mary Alice Firestone, wife of Russell A. Firestone Jr., millionaire industrial heir, filed suit for \$6-million today against Time, Inc., of New York.

Mrs. Firestone, whose suit was filed in Palm Beach County Circuit Court, asked \$3-million in actual damages and \$3-million in punitive damages.

The suit alleged that "injurious photographs and quotations" were published in the May 20 issue of Life magazine.

It said the allegedly damaging quotations and pictures were part of a story concerning eavesdropping by private detectives.

Mrs. Firestone is suing her husband for separate maintenance and child custody and he has filed a counter action for divorce.

The suit said the Life story mentioned that a Palm Beach private detective, Jack Harwood, had been hired by Mr. Firestone while Mrs. Firestone got "one of his assistants to sell out and work for her."

The suit alleged that quotations in the story intended to convey that Mrs. Firestone was guilty of suborning a private detective to commit perjury.

A spokesman for Time, Inc., said last night that there would be no comment on the suit at least until the company's lawyers had an opportunity to examine Mrs. Firestone's petition.

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**Primary Source #6:** Lesley Oelsner, "High Court Limits Press's Protection Against Libel Suits," *New York Times*, March 3, 1976

WASHINGTON, March 2—A divided Supreme Court cut back today on the broad protection that the Court, on First Amendment grounds, has given the press against libel suits brought by so-called "public figures." The Court did this by applying the designation of "public figure," in a case involving *Time* magazine, in a way that appears to exclude types of persons who formerly would have been assumed to be public people.

Under Court rulings, public figures are required to make a much stronger case against the publisher of alleged libel than are nonpublic figures. By limiting the application of the "public figure" category the Court thus makes it easier to bring libel cases.

The Court ruled, in the *Time* case, that a Florida socialite who was often mentioned in society reports in the press, whose divorce proceedings were widely reported, and who herself gave news conferences during those proceedings could not be considered a "public figure" for the purpose of deciding libel claims arising from her divorce proceedings.

The Court issued this ruling in deciding an appeal brought by *Time* Inc. from a \$100,000 libel award won by the woman, Mary Alice Firestone, on the basis of *Time*'s alleged misreporting of the divorce decree entered at her husband's request at the close of the divorce proceedings.

Basically, the Court reasoned that Mrs. Firestone had no major role in "the affairs of society," and that she had not willingly thrust herself "to the forefront" of a public controversy in an effort to influence its outcome. In the divorce case, Russell A. Firestone Jr. a millionaire member of the tire family, was granted the divorce. There was dispute over the grounds on which the divorce was granted, and in today's opinion, the majority found that *Time*'s assessment of the matter was inaccurate.

*Time* had contended...that Mrs. Firestone was a public figure, as that term has been developed by the Court in a series of libel cases over the last decade. The magazine said that she should thus have been required to submit the kind of proof that the Court cases have required of public figures—proof of "actual malice"—that the publisher had printed the information either knowing it was false or with "reckless disregard" of whether or not it was false.

*Time* made a series of other arguments as well: That the alleged misreporting was not actually inaccurate; that the policies underlying the public figure doctrine require that the "actual malice" standard in those cases should also be the standard of proof required in libel suits based in press reporting of any public judicial proceeding; and that the award was invalid because the Florida courts had not established "fault" by *Time*, a factor that must be established in libel suits against the press...