

New york times vs. sullivan

[Business](#), [Company](#)



Issue: Does Freedom of Speech protect a newspaper when it makes false defamatory statements about the conduct of a public official if the statements were not made with knowing or reckless disregard for the actual facts? The holding does not match the issue. If the fourteenth amendment is going to be incorporated in the holding, then it has to be in the issue.

Also, the issue needs to be posted in a constitutional way. For example: By not requiring Sullivan to prove that the advertisement personally harmed him and dismissing the same as untruthful due to factual errors, did Alabama's libel law unconstitutionally infringe on the First Amendment's freedom of speech and freedom of press protections?

Statement of the Facts: The New York Times published a full page ad soliciting funds to defend Martin Luther King, Jr. In the ad were accusations of brutal force employed by the Montgomery police force against King's followers. L. B. Sullivan, the police commissioner at the time, claimed the ad maligned his character. He sued for, and won, damages from the lower court.

The Holding/Decision of the Court: The Court held that the First and Fourteenth amendments protected a publisher from libel only if the false and derogatory statements were not made with knowing or reckless disregard for the truth.

Reasons/Rationale: The Court made its decision based on three closely-related facts:

- First, the commercial nature of the advertisement;

- Second, the existence of actual malice; and,
- Finally, the tendency for the alleged libel to be connected to the plaintiff.

The New York Times was paid to publish the ad. However the fact that it was a paid advertisement does not make it a 'commercial ad' in that it waives constitutional guarantees of Freedom of Speech. To consider it as such would discourage newspapers from accepting " editorial advertisements" which would have a dangerous tendency to shut out this form of information promulgation. Furthermore, it would curtail freedom of speech and shackle those who do not own publications. This would be in violation of the First Amendment, which aims to secure " the widest possible dissemination of information from diverse and antagonistic sources".

There was no actual malice in this case although negligence can be ascribed to the NY Times for not exercising due diligence in ensuring the facts published. The paper had merely published a paid advertisement. The publisher cannot be accused of knowingly publishing falsehoods. Being a public official, Commissioner Sullivan had to accept the reality that his work would be under constant scrutiny. A higher level of proof is necessary to prove that the defendant printed material with intent to malign Sullivan's character, especially since the alleged criticism was about his official functions as the police commissioner.

Finally, the alleged libelous ad did not bear any mention of his name. While the ad criticized the activities and " brutality of the police", there was never any direct mention of Sullivan or the office of the police commissioner. It

could not then be said that the ad was a directed, defamatory and malicious attack upon him. In fact, the acts described in the ad – the padlocking of the dining hall, among others – were not even directly ascribed to the police, much less the police commissioner. On a side note, there is even suggestion that the commissioner manifested a guilty conscience in respect of the acts protested in the ad.

The court therefore ruled in favor of freedom of speech over the right of a public official to defend himself from attack. Such cases have often been cited as jurisprudence to justify the level of criticism that can be inflicted on a government official. For acts related to his official functions, there is virtually no limit to the attacks that can be levied so long as they are not done with reckless disregard for the facts.

Justice Black concurs on the basis that the 1st and 14th amendments do not merely delimit a state's power to award damages to officials for criticism of their official conduct but completely prohibits a state from exercising this power. He is of the opinion that the defendants had an absolute constitutional right to publish their criticisms regardless of whom they were aimed at. It is regrettable that the court stopped short of a holding unequivocally protecting our free press.

Justice Goldberg concurs on the privilege to criticize official conduct, despite the harm which may flow from excesses and abuses and consistent with the prized American right "to speak one's mind".