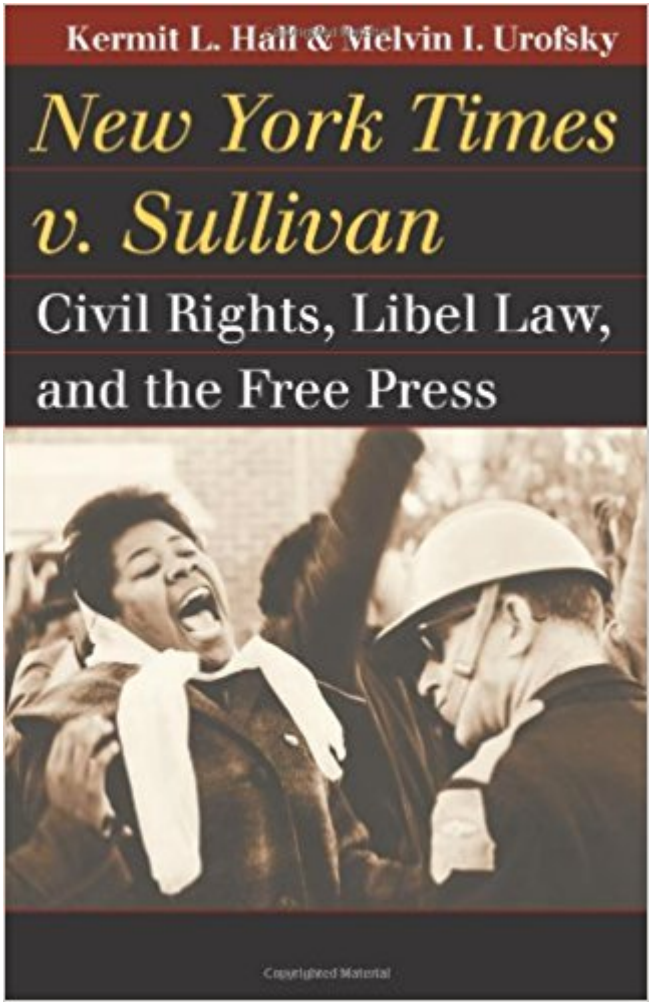
New York Times V. Sullivan: Civil Rights, Libel Law, And The Free Press (Landmark Law Cases & American Society)



Synopsis

Illuminating a classic case from the turbulent civil rights era of the 1960s, two of America's foremost legal historiansâ ”Kermit Hall and Melvin Urofskyâ ”provide a compact and highly readable updating of one of the most memorable decisions in the Supreme Court's canon. When the New York Times published an advertisement that accused Alabama officials of willfully abusing civil rights activists, Montgomery police commissioner Lester Sullivan filed suit for defamation. Alabama courts, citing factual errors in the ad, ordered the Times to pay half a million dollars in damages. The Times appealed to the Supreme Court, which had previously deferred to the states on libel issues. The justices, recognizing that Alabama's application of libel law threatened both the nation's free press and equal rights for African Americans, unanimously sided with the Times.As memorably recounted twenty years ago in Anthony Lewis's Make No Law, the 1964 decision profoundly altered defamation law, which the Court declared must not hinder debate on public issues even if it includes "vehement, caustic, and sometimes unpleasantly sharp attacks on government and public officials." The decision also introduced a new First Amendment test: a public official cannot recover damages for libel unless he proves that the statement was made with the knowledge that it was false or with reckless disregard of whether it was false. Hall and Urofsky, however, place a new emphasis on this iconic case. Whereas Lewis's book championed freedom of the press, the authors here provide a stronger focus on civil rights and southern legal culture. They convey to readers the urgency of the civil rights movement and the vitriolic anger it inspired in the Deep South. Their insights place this landmark case within a new and enlightening frame.

Book Information

Series: Landmark Law Cases & American Society
Paperback: 232 pages
Publisher: University Press of Kansas (September 6, 2011)
Language: English
ISBN-10: 0700618031
ISBN-13: 978-0700618033
Product Dimensions: 5.6 x 0.7 x 8.6 inches
Shipping Weight: 11.2 ounces (View shipping rates and policies)
Average Customer Review: 5.0 out of 5 stars 2 customer reviews
Best Sellers Rank: #98,806 in Books (See Top 100 in Books) #5 inÂ Books > Law > Rules & Procedures > Witnesses #7 inÂ Books > Law > Administrative Law > Civil Law #34 inÂ Books >

Law > Constitutional Law > Civil Rights

Customer Reviews

â œBy connecting what most commentators have seen as a controversial freedom of press case to the contentious civil rights movement that produced it, Hall and Urofsky have provided new insights into both legal and political history. An excellent and accessible book about an important moment in American history.â •â ”Steven F. Lawson, author of Civil Rights Crossroads: Nation, Community, and the Black Freedom Movement â œWhen the court declared that â ˆdebate on public issues should be uninhibited, robust, and wide-open,â ™ it said something profound, and this account properly focuses on that extraordinary finding. . . . A remarkably timely book.â •â ”Todd Gitlin, author of The Sixties: Years of Hope, Years of Rage

"By connecting what most commentators have seen as a controversial freedom of press case to the contentious civil rights movement that produced it, Hall and Urofsky have provided new insights into both legal and political history. An excellent and accessible book about an important moment in American history."--Steven F. Lawson, author of Civil Rights Crossroads: Nation, Community, and the Black Freedom Movement "When the court declared that `debate on public issues should be uninhibited, robust, and wide-open,' it said something profound, and this account properly focuses on that extraordinary finding. . . . A remarkably timely book."--Todd Gitlin, author of The Sixties: Years of Hope, Years of Rage

Can a Supreme Court decision change the social fabric of the nation? New York Times v. Sullivan was about civil rights, libel law, and the first amendment. But it also was about something deeperÃ¢Â Â”how far apart North and South had become in their views of libel and honor. Ã¢Â ÂœWhile many of the litigants saw the suit as a means of retaliating against northern newspapers that supported civil rights,Ã¢Â Â• says the author, Ã¢Â Âœthey also believed that the Times had no understanding of Southern mores.Ã¢Â Â• Having done a great deal of research, author Kermit L. Hall died after having written but two articles, which became parts of chapters 1, 2, and 11. Finishing the book fell upon writer and professor of history and law Melvin I. Urofsky. The book is not long (206 pages of text) and reads with the fluency of a good novel. I place it with Ã¢Â ÂœGideonÃ¢Â Â™s TrumpetÃ¢Â Â• (by Anthony Lewis) and Ã¢Â ÂœMinnesota RagÃ¢Â Â• (Fred W. Friendly) as informative and readable books about landmark Supreme Court decisions.At the height of the civil rights movement, a New York City advocacy group ran a full-page ad in the

New York Times entitled, "Heed Their Rising Voices." The purpose of the ad was to create awareness and raise money for the civil rights movement. The ad didn't name individuals in its account of abuses, but it did mention specific towns including Montgomery, Alabama. The irony is that practically no one in the state of Alabama--where circulation was less than 400 papers statewide--was even aware of the ad until an assistant editor of the Montgomery Advertiser brought it to the attention of the Montgomery city attorney. He shared it with three other public officials, one of whom was a commissioner for the Alabama police departmentÃ¢Â Â"Lester Sullivan.Sullivan and everyone else in the all-white government office took offense. The honor of civic leaders was under attackÃ¢Â Â"by Northern outsiders. Southern honor (and the prospect of bankrupting the civil rights movement in the South) induced Sullivan and others to file suite for defamation. Alabama trial and appeals courts agreed and the Times was ordered to pay half-a-million dollars in damages. In a companion case, four of the members of the Southern Christian Leadership Conference (all ministers) were also sued for having allowed their names to be listed as endorsees of the adÃ¢Â Â™s content, even though they had not approved of their inclusion in the ad as endorsees nor in fact had knowledge of the ad until it was published in the Times.The New York Times appealed, and in a precedent-setting decision the United States Supreme Court overruled the lower court's decision. Writing for a unanimous Court, Justice William Brennan declared Alabama's Supreme Court decision would have a chilling effect on public debate, which was contrary to the First Amendment. Public discussion is not always polite or accurate, Brennan wrote. It can get nasty and messy and loud, but it still must be protected. Debate in public issues Ã¢Â Âœshould be uninhibited, robust, and wide-open, and that it may well include vehement, caustic, and sometimes unpleasantly sharp attacks on government and public officials."One of the direct results of the 1964 Supreme Court ruling was that the civil rights movement was able to continue its work in the South. That, coupled with the Civil Rights Act of 1964 and the Voting Rights Act of 1965, would result in widespread voter registrations among African Americans, and the integration of all-white public agencies such as Montgomery city hall and the Montgomery police department.Also brought about by the CourtÃ¢Â Â™s decision was a transformation of white Southern mores. In many respects, the South before the civil rights era retained many of the aspects of a feudal society, where the honor of public officials was not called into question, indeed, was considered above reproach and necessary to preserving law and order in the community. In such a society slander and libel was not tolerated because it might undermine a respect for authority. Ã¢Â ÂœThe laws of defamation have their roots in English feudal society, and grew out of an attempt to prevent violence,Ã¢Â Â• writes the author. Ã¢Â ÂœIn an era when the personal bonds rather than a powerful state held society

together an attack on the good name of one feudal lord constituted an assault on the basis of society.Ã¢Â Â•Southern leadership fought the civil rights movement because it offended their sense of honor and threatened their long-standing hierarchy of white supremacy. The industrial NorthÃ¢Â Â”a vast unsettled melting pot of peoples and ideasÃ¢Â Â”dispatched with such quaint notions when it entered the Industrial Age. Honor mattered less in a teeming dynamic society where fortunes were won and lost overnight; what mattered was a man's reputation. In the South, where land was still the measure of wealth and honor was prized above all else, libel laws were strictly enforced. If nothing else, New York Times v. Sullivan brought Southern libels laws in line with modern society. But it did much more than that. With the Civil Rights Act and the Voting Rights Act, New York v. Sullivan changed the social fabric of the South.

There is an old saying that bad facts makes good law. This book describes the facts behind the seminal case that defines the intersection between free speech and libel law. The ad which was the subject of the case was not properly fact checked by theTimes, unauthorized names where put in the ad, and the wrong song was described which could have shown that the Times was negligent. On the other hand, no public official was named, Alabama had defied the Supreme Court in a previous race based case and the libel case was intended to stop coverage of the civil rights movement in Alabama.All of these issues were set forth clearly in this excellent narrative. As so often happened in history happenstance started the case which was first not noticed by the citizens of Montgomery. Then the case had a life of its own as it moves forward accelerated by the feelings in the South that Northerners were not fair. The book sets forth all of this in a clear manner without being bogged down in a great deal of legal discussion.The authors say that as compared to Anthony Lewis book this is more about race than the First Amendment. I think it did a good job on the law.I am disappointed to be the first reviewer. I hope others will pick this book up and enjoy it as much as I have.

Times Smart Puzzles) The New York Times Smart Sunday Crosswords Volume 6: 50 Sunday Puzzles from the Pages of The New York Times (The New York Times Crossword Puzzles) The New York Times Large-Print Stay Sharp Crosswords: 120 Large-Print Easy to Hard Puzzles from the Pages of The New York Times (New York Times Crossword Collections) The New York Times Sunday Crossword Omnibus Volume 9: 200 World-Famous Sunday Puzzles from the Pages of The New York Times (New York Times Sunday Crosswords Omnibus) The New York Times Best of Thursday Crosswords: 75 of Your Favorite Tricky Thursday Puzzles from The New York Times (The New York Times Crossword Puzzles) The New York Times Acrostic Puzzles Volume 9: 50 Challenging Acrostics from the Pages of The New York Times (New York Times Acrostic Crosswords) The Sleepy Lagoon Murder Case: Race Discrimination and Mexican-American Rights (Landmark Law Cases & American Society) Mendez v. Westminster: School Desegregation and Mexican-American Rights (Landmark Law Cases & American Society) Roe v. Wade: The Abortion Rights Controversy in American History, 2nd Edition (Landmark Law Cases and American Society) New York City Travel Guide: 101 Coolest Things to Do in New York City (New York Travel Guide, NYC Travel Guide, Travel to NYC, Budget Travel New York, Backpacking New York) The Yoder Case: Religious Freedom, Education, and Parental Rights (Landmark Law Cases & American Society) The Constitutional Rights of Children: In re Gault and Juvenile Justice (Landmark Law Cases & American Society) The Michigan Affirmative Action Cases (Landmark Law Cases & American Society) The Civil Rights Cases: Case Brief on the Civil Rights Act of 1875 (Court Case Briefs) Bush V. Gore: Exposing the Hidden Crisis in American Democracy: Abridged and Updated (Landmark Law Cases and American Society) The Supreme Court and Tribal Gaming: California v. Cabazon Band of Mission Indians (Landmark Law Cases & American Society)