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Is There Such a Thing as Responsible Journalism?

By Thomas R. Julin
Gunster, Yoakley & Stewart, PA
Miami, FL 33131 USA
1.305.376.6007
tjulin@gunster.com
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United States President Donald Trump has caused great consternation within the United States and around the globe through his constant attacks on journalists. He has characterized the press as “the enemy of the people,” chastised reporters as presenting “fake news,” and called for the liberalization of libel laws so that those who have been subjected to harsh criticism could more easily bring and win lawsuits for large damages.

President Trump is not, however, the first public official to attack the press. The press is by its very nature antagonistic to public officials and public figures and that antagonism is evidence of a healthy democracy. What is different about President Trump’s approach to the press, however, is his call for the reform of libel laws. This is something new and it should be taken quite seriously. Reform is in order, but not the sort of reform that President Trump is advocating. Libel law should be reformed, but to provide for greater press freedom, rather than less.

Origin of Protection for Irresponsible Journalism

To understand why this is true, one can begin with the most famous of all United States libel cases, New York Times Co. v. Sullivan.¹ The lawsuit that led to the Supreme Court’s opinion began as a run-of-the-mill defamation action in the State of Alabama. The plaintiff in the case was L. B. Sullivan, one of three elected Commissioners of the City of Montgomery, Alabama. His duties included supervision of the city’s Police and Fire Departments.

During the 1960s in the United States, numerous demonstrations were taking place to attempt to safeguard the civil rights of blacks, just as they are taking place today by organizations such as Black Lives Matter and groups that seek the removal of monuments erected to honor the leaders of the states that seceded from the United States prior to the United States Civil War. The demonstrations in the 1960s often were met, just as demonstrations are met today, with acts of violence, including sometimes, acts of violence by the police against the demonstrators.

On February 29, 1960, Dr. Martin Luther King, Jr., a leading advocate for civil rights, was arrested on charges of perjury in connection with the filing of Alabama state income tax returns. Three weeks later on March 19, 1960, The New York Times published an editorial supporting King and other protesters against racism and included the admonishment to “heed their rising voices, for they will be heard.” N.Y. Times March 29, 1960, at 25.

Shortly thereafter, a New York advertising agency acting on behalf of a group called Committee to Defend Martin Luther King, Jr. and the Struggle for Freedom in the South placed an order with The New York Times for publication for a full page ad which used the Times’ editorial language as its headline: “Heed Their Rising Voices.” A copy of the ad is attached.

¹ 376 U.S. 254 (1964).
The agency submitted with the proposed ad a letter from A. Phillip Randolph, a prominent civil rights leader in New York, certifying that the committee consisted of 64 persons, including such widely known figures as Harry Belafonte, Diahan Carroll, Nat King Cole, Sammy Davis, Jr., Sidney Poitier, Jackie Robinson, and Eleanor Roosevelt, and that each had provided consent to the use of his or her name in the ad.

The proposed ad asserted that thousands of black college students had engaged in nonviolent protests in the South and they had been met by “an unprecedented wave of terror by those who would deny and negate” blacks rights secured by the U.S. Constitution. The ad encouraged readers to donate funds to support the student movement, “the struggle for the right-to-vote”, and the legal defense of Dr. King against the perjury charges. The ad also contained these two paragraphs:

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.

* * *

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. . . .

The manager of the Times’ Advertising Acceptability Department knew Randolph to be a responsible person and nothing caused him to believe that anything in the ad was false. But neither he, nor any other Times employee conducted any investigation to confirm that ad was accurate. Specifically, he did not check it against the Times’ own stories about the events described in the ad or any other sources. If he had, he could have determined that the ad contained a number of errors.

Prior to publication, the agency submitted a second version of the ad which contained a line stating: “We in the south who are struggling for dignity and freedom endorse this appeal” followed by an additional names of 20 individuals, all but two of whom were identified as religious leaders in the south. The Times also did nothing to verify that these individuals had authorized the use of their names in the ad.

The Times charged $4,800 to publish the ad. (The price of a full-page ad in The Times today is approximately $150,000). It appeared on March 29, 1960.
Although the ad did not mention Commissioner Sullivan by name, he regarded it as making a direct, personal attack on him through its reference to the actions of the Montgomery Police Department which he supervised. He claimed the ad falsely accused him of having:

- Ordered police to “ring” the Alabama State College Campus;
- Directed police padlock the dining hall to starve students into submission;
- Engaged in intimidation or violence against Dr. King;
- Involvement with the bombing of Dr. King’s home; and
- Charging Dr. King with perjury.

In the parlance of today, he claimed this was all “Fake news!”

Sullivan demanded a retraction by The Times and four of the individuals whose names appeared on the ad. The individuals ignored the demand because they had not authorized their names to be used on the ad and had not published it. The Times responded to the demand by expressing that it was puzzled that Sullivan regarded the ad as making any statement about him. Two days later, Sullivan filed suit.

The defendants argued that the ad could not reasonably be understood as referring to Sullivan. They also conceded, however, that if it could, then the allegations made regarding Sullivan were not true. The Alabama courts agreed with Sullivan that the ad could be understood as making false allegations about him and the case proceeded to a jury trial. Sullivan made no effort to prove that he had suffered any monetary loss as a result of the ad. Instead, he relied on instructions telling the jury that it could presume that he had been harmed. He asked the jury to award him $500,000, the equivalent of approximately $4 million today. The jury awarded the full amount against all of the defendants. The Alabama Supreme Court affirmed the verdict.

The U.S. Supreme Court’s Decision

The United States Supreme Court agreed to review that decision in light of the importance of the constitutional issues it presented. By the time the Supreme Court decided the case, four other libel suits based on the same ad had been filed against The Times by others who had served as Montgomery City Commissioners and by the Governor of Alabama, a second $500,000 verdict has been awarded in one of the cases, and damages were being sought in the other three cases totaling $2,000,000. Combined, the cases threatened to bring a halt to all serious reporting about civil rights by The Times and other media.

From the perspective of Alabama officials, however, The Times had been irresponsible in publishing an ad that contained a variety of errors and reflected endorsement by individuals who had not endorsed it. They took the position that The Times easily could have prevented its errors by checking its own prior reporting. The question presented to the Supreme Court then was
whether the First Amendment of the U.S. Constitution offered any protection at all against this sort negligence.

Up until this moment in United States history, journalists faced with libel actions could defend themselves only by showing that their reporting was error free or that they made a mistake under circumstances which justified a presumption that they had made a mistake in good faith. If, for example, a reporter had relied on erroneous information given by a government official that could justify the making of an error, but this sort of privilege also could be defeated with evidence that the reporter was motivated by ill will. In Sullivan’s case, the Alabama courts concluded that no privileged circumstances applied, so The Times had no defenses and the jury was left free to impose whatever damages it deemed appropriate. The court instructed the jury that it could presume that injury was done to Sullivan even though he made no showing of harm. The court also instructed the jury that it could award punitive damages and need not differentiate compensatory from punitive damages. This set of instructions, based on common law principles that had long been in place, allowed the jury simply to punish The Times based on its disagreement with the civil rights advocacy of Dr. King and his supporters. This danger no doubt inspired the Supreme Court to devise a new set of constitutional principles that would rein in jury discretion.

To achieve this result, the Supreme Court had to address its own prior decisions which had held that the First Amendment provides no protection for libelous speech. In a single line, it dismissed those decisions as not involving “expression critical of the official conduct of public officials.” The Court held that civil libel actions would be treated similarly to other government regulations of speech. Each claim, the Court stated, would have to be “measured by standards that satisfy the First Amendment.” Id. at 269. But what were those standards? They certainly were not set forth in the First Amendment itself. It provided only a prosecution against laws “abridging freedom of speech and of the press.” Did the English common law of libel, as applied faithfully by the courts of the State of Alabama, abridge the rights of The New York Times?

Justice William Brennan authored the Supreme Court’s opinion on this topic and he said the Court was required to consider the case “against the background of a profound national commitment to the principle that debate on public issues should be uninhibited, robust, and wide open, and that it may well include vehement, caustic, and sometimes unpleasantly sharp attacks on government and public officials.” But did the First Amendment also provide protection to irresponsible journalism? Would it shield publishers who negligently published false statements? Brennan’s answer was unequivocally “yes,” based on the rationale that “erroneous

\[\text{Id. at 268.}\]

\[\text{Id. at 270.}\]
statement is inevitable in free debate.” The press had to be provided some “‘breathing space’” in order to ensure its survival.

The Court had no empirical evidence to show that this was true other than the series of libel cases that had been filed against The Times itself. But that was enough to persuade the Court that the First Amendment required a restriction on the power of every court in the United States to impose libel judgments against the press. The press had survived many libel actions, of course, since the founding of the United States and never before had the Supreme Court held that the First Amendment had any role to play. The Court put that fact aside and proceeded to adopt “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.”

The Supreme Court then applied this new rule to the case before it, holding that the evidence offered by Commissioner Sullivan was not sufficient to justify the verdict. The Court noted that Sullivan had offered no evidence that any of the individual defendants knew that the statements appearing in the ad were false, id. at 286, and that Sullivan also had not rebutted the testimony of The Times’ representative that he believed the ad was “substantially correct.” The Times’ failure to retract was not regarded as evidence of actual malice since The Times’ response to the retraction demand stated that The Times did not regard the ad as making any statement about Commissioner Sullivan at all and it did not foreclose the possibility of publishing a retraction in the future if Sullivan could show why he regarded the ad as referring to him. The Times’ failure to investigate the accuracy of the ad prior to publication also was not regarded as evidence of actual malice.

Three Justices Regard the Solution as Inadequate

Three of the nine U.S. Supreme Court justices concurred with the result in the case, but wrote two separate opinions expressing their view that the rules announced by Justice Brennan did not do enough to protect the press.

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4 Id.at 271-72.
5 Id. 272.
6 Id. at 279-80
7 Id. at 285-86.
8 Id.
9 Id. at 286-87.
10 Id. at 287-88.
Justice Hugo Black, in an opinion joined by Justice William O. Douglas, said he read the First Amendment as prohibiting all libel actions brought by public officials against critics of their official conduct.\(^\text{11}\) His view was that the “requirement of malice be proved provides at best an evanescent protection for the right critically to discuss public affairs.”\(^\text{12}\) He also viewed the $500,000 verdict as “dramatic proof . . . that state libel laws threaten the very existence of an American press virile enough to publish unpopular views on public affairs and bold enough to criticize the conduct of public officials.”\(^\text{13}\) He further noted that “in Alabama there are now pending eleven libel suits by local and state officials against the Times seeking $5,600,000, and five such suits against the Columbia Broadcasting System seeking $1,700,000.”\(^\text{14}\)

Justice Arthur Goldberg, in his separate opinion which also was joined by Justice Douglas, also concurred in the result, but on the basis of his view that the First Amendment provides “an absolute, unconditional privilege to criticize official conduct.”\(^\text{15}\) He noted that the Illinois Supreme Court previously had ruled that libel suits by governmental entities themselves “have [no] place in the American system of jurisprudence,”\(^\text{16}\) He also noted that public officials themselves enjoy absolute immunity from libel actions. \textit{Id.} at 302. He reasoned: “If the government official should be immune from libel actions so that his ardor to serve the public will not be dampened and "fearless, vigorous, and effective administration of policies of government" not be inhibited, . . . then the citizen and the press should likewise be immune from libel actions for their criticism of official conduct.”\(^\text{17}\)

\textit{The Sullivan Rules are Expanded}

In subsequent decisions, the Supreme Court extended the rules adopted in \textit{Sullivan} to libel actions brought by public figures and it also required private figures to prove at least negligence and actual injury when the published libel involves a matter of public concern.\(^\text{18}\) The burden of proving substantial falsity also is now regarded as falling squarely on the plaintiff in

\begin{enumerate}[\itemsep=0pt,\parskip=0pt,\parsep=0pt]
\item \textit{Id.} at 293 (Black, J., concurring).
\item \textit{Id.}
\item \textit{Id.} at 294.
\item \textit{Id.} at 295.
\item \textit{Id.} at 298 (Goldberg, J., concurring).
\item \textit{Id.} (quoting \textit{City of Chicago v. tribune Co.}, 139 N.E. 86 1923)).
\item \textit{Id.} at 304.
\end{enumerate}
libel actions\textsuperscript{19} and punitive damages may not be recovered without clear and convincing evidence of actual malice.\textsuperscript{20}

A part of the Court’s rational for distinguishing public officials and public figures from private figures was that the former “usually enjoy significantly greater access to the channels of effective communication and hence have a more realistic opportunity to counteract false statements than private individuals normally enjoy.”\textsuperscript{21}

\textit{Inadequacies of the Sullivan Rules}

These rules were controversial when adopted, but they have endured in the United States for more than a half century. They no doubt have prevented thousands of libel suits from being filed and have required dismissal of thousands of libel suits that have been filed.\textsuperscript{22} The case has been made that these rules have ensured that the American press functions as a far more effective check on governmental authority than the press in other countries which have not limited libel claims in the same manner.\textsuperscript{23}

Still, the standards adopted in \textit{Sullivan} do not block libel suit by public officials and public figures in the United States entirely. This year, one dramatic example of such a suit was brought by a company, Beef Products, Inc., against ABC News based on a 2012 broadcast about lean finely textured beef, a product made and widely sold by the company and which some U.S. Food & Drug Administration officials had referred to as “pink slime.” The ABC report explained what the product was and how it had been incorporated into many different types of ground beef. The initial broadcast and follow up reporting by ABC had a severe impact on Beef Products, Inc.’s business. It filed a lawsuit in South Dakota claiming that ABC had published the reports with “actual malice” by implying that its products were unappetizing, “repulsive” or “disgusting,” when it had actual knowledge that this was untrue. The company sought actual damages of $1.9 billion and, under a state court law, the tripling of that amount.

\begin{itemize}
\item \textsuperscript{20} \textit{Gertz}, 418 U.S. at 349.
\item \textsuperscript{21} \textit{Id.} at 344.
\item \textsuperscript{22} \textit{See, e.g., Silvester v. American Broadcasting Cos.}, 839 F. 2d 1491 (11th Cir. 1988) (affirming summary judgment against plaintiff who claimed he had been falsely accused of arson); \textit{Friedgood v. Peters Pub. Co.}, 521 So. 2d 236 (Fla. 4th DCA 1988) (affirming summary judgment against plaintiff who claimed she had been falsely accused of being an accomplice in her father’s murder of her mother).
\item \textsuperscript{23} \textit{See Russell L. Weaver; Geoffrey Bennett, Is the New York Times Actual Malice Standard Really Necessary – A Comparative Perspective}, 53 L.A. L. REV. 1153, 1161 (1993). For the most part, courts outside of the United States have declined to adopt \textit{Sullivan}-style rules.
\end{itemize}
Efforts by ABC to have the case dismissed prior to trial failed and it proceeded to a jury trial in June 2017. President Trump’s attacks on the media complicated the case by increasing public distrust of and hostility toward the media generally. According to a Harvard-Harris poll taken near the time of the trial, 65 percent of voters believed that there is a lot of “fake news” in the mainstream media. The voters of South Dakota had heavily favored Trump in the November 2016 presidential election, and so the potential for juror prejudice against ABC news and a crippling verdict was acute.

Significant hostility against the press also had been generated by a case of a different sort in Florida state courts in 2016, Bollea v. Gawker. The defendant in that case, operator of the Gawker.com website, had published a video of Terry Bollea, a former pro wrestler who was better known by his professional name Hulk Hogan. It depicted Hogan having sex with a friend’s estranged wife. Bollea filed suit on October 15, 2012, claiming that Gawker had invaded his privacy. The New York Times Co. v. Sullivan principles, which only restrict libel claims could not be used. Hogan sought damages in excess of $100 million. The case proceeded to trial and a Florida jury awarded Bollea $115 million on March 18, 2016. The size of that judgment led to Gawker filing for bankruptcy. Many saw the Gawker case as demonstrating that the media had become completely irresponsible and could be controlled only through devastatingly large verdicts to punish outlandish behavior.

Before the Beef Products libel case could reach a verdict, ABC’s parent company, the Walt Disney Company, entered a confidential settlement with Bollea. Disney paid out of pocket $177 million and its insurers paid an additional undisclosed sum, probably in the tens of millions of dollars. This may be the largest settlement of a libel suit in American history. Disney plainly was not confident that the Sullivan libel rules would be sufficient to prevent Beef Products from obtaining the verdict that it had requested or that the American appellate courts would overturn the verdict.

Alternatives to the Sullivan Rules

Even before the ABC News settlement, commentators had expressed serious concern that Sullivan had a serious flaw in that it allowed the recovery of virtually unlimited damages as long as the plaintiff could prove actual malice.24 Others, however, argued that the Sullivan rules had done a disservice to journalists by encouraging them to act in an irresponsible manner, failing to provide adequate protection for reputation, and encouraging huge libel judgments in those cases where the Sullivan standards could be met.25 One author seriously argued that the Supreme Court should revisit Sullivan, conclude that the U.S. Constitution mandates a “responsible press,”


and create “a new standard that eliminates the perverse incentives spurred by the actual malice standard.” That author suggested that courts should consider the following factors in future libel cases:

1. The amount of investigation—the number of reporters and time spent reporting—weighed against the public importance of the statement and magnitude of foreseeable reputational harm inflicted.

2. The degree to which the allegedly defamatory statements were fact-checked, weighed against the reliability of the information’s sources.

3. The number of editors attached to the story and amount of time spent reviewing it.

4. The time-sensitivity of the story, relative to its public importance. Merely seeking to get a scoop is not sufficient grounds for failing to adequately check a story.

5. Whether comment from the plaintiff was timely requested in a manner that was reasonably tailored to reach the plaintiff, and whether the publication fairly and accurately reflected those comments.

6. Whether the newspaper retracted the story, and whether the retraction was sufficient relative to the prominence of the story’s original publication and the magnitude of reputational harm inflicted. For example, a defamatory statement published on the front page of a newspaper should be retracted on the front page.

7. Whether the circumstances of the case or the evidence provided suggest that the newspaper was aware of the falsity of its statement upon publishing it.225 While the plaintiff may offer evidence of actual malice, the plaintiff will have no access to discovery from the defendant.27

Toward a Future with No Libel Laws

Ten years have elapsed since this proposal was made. Neither the Supreme Court nor any other U.S. court have adopted it. More important, technology has evolved in such a way that a strong case can be made for expansion, not contraction, of the Sullivan rules, and for more


widespread adoption of them around the world,²⁸ or even the elimination of libel as a civil wrong altogether.

Anyone with an Internet connection now has the sort of “access to the channels of effective communication” which justified expansion of the Sullivan rules to all public figures. Courts have expressed a reluctance to reach this conclusion,²⁹ yet it seems almost inevitable that U.S. courts will become less and less inclined to entertain expensive, speech-chilling libel suits, as it becomes more and more apparent that many plaintiffs can mitigate and in some circumstances eliminate the harm that is done by publication of defamatory falsehoods.

As important, new means of assessing whether published statements are indeed false are being developed by the market all the time. For example, ten years ago The Tampa Bay Times created PolitiFact.com, a website through which reporters and editors from the Times and affiliated media fact-check statements by members of Congress, the White House, lobbyists, and interest groups. They publish original statements and their evaluations on the PolitiFact.com website, and assign each a "Truth-O-Meter" rating. The ratings range from "True" for completely accurate statements to “Pants on Fire” for false and ridiculous claims.³⁰ The Times also operates a website called PunditFact, which does fact-checking of claims made by political pundits. PolitiFact.com won the Pulitzer Prize in 2009 for “its fact-checking initiative during the 2008 U.S. presidential campaign.

Google also has developed its own “Fact Check” tool that was made available on October 13, 2016,³¹ and then expanded worldwide in April, 2017.³² According to Google, when one

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²⁹ See Mark Tushnet, New York Times v. Sullivan Around the World, 66 ALA. L. REV. 337, 338 (2014) (asserting that while court have expressed concern about the impact that libel cases have on speech cases, almost none endorse entirely the Sullivan rules). The British Parliament took a step in the direction of Sullivan by adopting Defamation Act of 2013, c. 26 (U.K.) which insulated publishers from liability for publication of a false statement if the statement was “on a matter of public interest” and the publisher demonstrated that it “reasonably believed that publishing the statement . . . was in the public interest.” This standard has been described as both weaker than Sullivan in that it places the burden of proving the defense on the publisher, but stronger because it bars liability from being imposed in some circumstances where the publisher knows a statement about a matter of public concern is false. Id. at 355.


³¹ https://www.blog.google/topics/journalism-news/labeling-fact-check-articles-google-news/.

³² https://www.blog.google/products/search/fact-check-now-available-google-search-and-news-around-world/.
conducts a search on Google that returns an authoritative result containing fact checks for one or more public claims, the searcher will see that information clearly on the search results page. The snippet will display information on the claim, who made the claim, and the fact check of that particular claim.

In December, 2016, shortly after the surprising election of Donald Trump as president and amid rampant speculation that Russia had used the social media platform to propagate false news stories that helped elect Trump, Facebook announced that it would start working with outside fact-checking groups. It now places “disputed” tags on posts which their various fact checking teams deem to be questionable.\(^{33}\)

The Poynter Institute in St. Petersburg, Florida has formed an International Fact-Checking Network. It is headed by Alexios Mantzarlis. Prior to that he had served as managing editor of Pagella Politica, a fact-checking site in Italy, and he co-founded FactCheckEU.org.

FactCheck.org is a project of the Annenberg Public Policy Center of the University of Pennsylvania. They are a nonpartisan, nonprofit “consumer advocate” for voters that aims to reduce the level of deception and confusion in U.S. politics. Open Secrets is a nonpartisan, independent and nonprofit, run by the Center for Responsive Politics, which is the nation’s premier research group tracking money in U.S. politics and its effect on elections and public policy. Snopes has been the definitive Internet reference source for urban legends, folklore, myths, rumors, and misinformation for a long time. The Sunlight Foundation is a national, nonpartisan, nonprofit organization that uses the tools of civic tech, open data, policy analysis and journalism to make the government and politics more accountable and transparent to all. Sunlight primarily focuses on money’s role in politics.

Three researchers at the University of Arizona also recently published a paper entitled “Identifying and Countering Fake News.”\(^{34}\) It concludes that libel actions and other legal actions which target “fake news” are impractical and advocates instead expanding legal protections for Internet platforms to encourage them to pursue editorial functions; creating new platforms that do not rely on online advertising; encouraging existing platforms to experiment with technical solutions to identify and flag fake news; and encouraging platforms to use their own powerful voices to criticize inaccurate information.

Conclusion

While fact checking sites initially developed to assess only the most important political stories of the day, they increasingly focus on anything and everything. There is, it seems, a very big market for fact checking and it seems likely that this market will make it increasing difficult

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\(^{34}\) [https://law.arizona.edu/report-identifying-and-countering-fake-news](https://law.arizona.edu/report-identifying-and-countering-fake-news)
to inflict harm by publication of false and defamatory information because false information will be quickly and easily debunked. We are not quite there yet, so libel laws will continue to stay with us for some years to come. But things are very much headed in that direction.

Returning, then, to the theme of this essay – is there such a thing as responsible journalism? – the answer, of course, is yes, there is. But there also is such a thing as irresponsible journalism and it has been encouraged in the United States, at least, by the First Amendment libel rules adopted by the Supreme Court to protect the press. Those rules have been criticized as so protective of the press that they have created both a presidential and public backlash that has driven the size of libel verdicts up in those cases where judges conclude that constitutional standards have been met. Those large verdicts have imposed a substantial measure of responsibility on the press, but they also have threatened the press in precisely the same way that the Alabama libel cases against The New York Times did in the 1960s. As technology continues to make effective mass communication available to all and fact-checking becomes technologically widespread, courts should give serious consideration to elimination of libel as a tort, just as the three concurring Supreme Court justices in the Sullivan case had proposed. In the not too distant future, irresponsible journalism may be quickly and easily remedied by immediate and effective counter-speech which prevents the sort of serious harm that publication of false and defamatory statements once caused.
Heed Their Rising Voices

Your Help Is Urgently Needed... NOW!!

The New York Times
Tuesday, March 26, 1963

The gravest moments of peaceful NON-VIOLENT DEMONSTRATIONS in modern American history have arrived, as announced by the U.S. Constitution and the Bill of Rights. In these efforts to uphold these guarantees, they are being met by the unrelenting wrath of those who would deny freedom to others which they themselves enjoy. The whole world looks on, as the pattern for modern freedom...

In Montgomery, Alabama, where thousands of students successfully mounted a legal challenge against the Southern Utility of the Constitution for the first time, a series of brutal beatings by local law enforcement have left their mark on the struggle. We appeal to the world to watch and keep its vigil.

Your colleagues in Montgomery, Alabama, are using their courage, their dignity and their love for freedom to stand against the forces of racial injustice. They have been subjected to unparalleled brutality and violence, but they remain stalwart.

In this time of crisis, we ask for your aid. Please contribute what you can to help support the legal challenge and the educational programs of Freedom Now.

Please send your contribution today to:

Committee to Defend Martin Luther King and the Struggle for Freedom in the South

332 West 120 Street, New York 7, N.Y.

Please make checks payable to:

Committee to Defend Martin Luther King

Your contribution is tax deductible.

Please mail this coupon TODAY!

Dear Friends,

Please consider joining the Committee to Defend Martin Luther King in its efforts to support the legal challenge and the educational programs of Freedom Now.

Yours sincerely,

[Signature]

[Address]

[City, State, Zip]

[Phone Number]