

“MATTERS OF HIGHEST PUBLIC INTEREST AND CONCERN”: *NEW YORK TIMES CO. v. SULLIVAN* AND THE CONTINUING EVOLUTION OF THE COMMERCIAL SPEECH DOCTRINE

David Ferrucci

Dr. Charles Davis, Thesis Supervisor

ABSTRACT

This study examines the 1964 Supreme Court case *New York Times Co. v. Sullivan* and its influence on the Court’s modern commercial speech doctrine. Although *Sullivan* is mostly remembered for revolutionizing libel law, as a commercial speech case it marks the beginning of the end of the Court’s categorical refusal of protection for commercial speech. In fashioning a rationale that granted the highest level of First Amendment protection for a political advertisement, the *Sullivan* Court relied on the lessons of history and on what they believed to be the primary purpose of the First Amendment. The rationale of *Sullivan*, that speech on matters of public interest should enjoy free, uninhibited entry into the public arena, can be seen at work at key points in the development of the commercial speech doctrine. When the Court follows this rationale, commercial speech is provided with significant protection.