

IN SULLIVAN'S SHADOW: THE USE AND ABUSE OF LIBEL LAW DURING THE CIVIL RIGHTS MOVEMENT

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ABSTRACT

This is a study of libel cases filed by southern public officials during the Civil Rights Movement relating to African Americans' increasing fight for equality in the United States. Emphasis is on little-known lawsuits filed in the shadow of the landmark *New York Times. v. Sullivan* case in Alabama in 1960, through its adjudication in 1964 and in its aftermath. This study expands upon the evidence and argument that southern officials used existing laws to craft what amounted to a sedition law in order to stop the press from covering the movement. Without the world looking at the South through the lens of the national press, southern officials and other segregationists would have been free to continue to squelch activism in their own way. Shattering precedent, the nation's high court constitutionalized libel law with the *Sullivan* decision, creating a new standard that required public officials to prove "actual malice" and insuring that citizens were free to exercise their First Amendment right to criticize the government. This study illustrates that the use and abuse of libel law became an integral part of the story in the battle for equal rights.