

**M. ROLAND NACHMAN RECORDS
FROM *TIMES VS. SULLIVAN* AND RELATED CASES**

Finding aid

Call number: LPR252

Extent: 4.4 cubic ft. (3 records center boxes, 1 archives box, 1 oversize box)

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M. ROLAND NACHMAN RECORDS
FROM *TIMES VS. SULLIVAN* AND RELATED CASES
SERIES DESCRIPTION AND CONTAINER LIST
Collection number: LPR252

SERIES A. *NEW YORK TIMES VS. SULLIVAN* RECORDS, 1956-1963.

This series is divided into the following subseries: 1. Background files, 1956-1960;

2. Circuit court files, 1960-1961; 3. Alabama Supreme Court files, 1961-1962; 4. United States Supreme Court files, 1961-1963; and 5. Law notes, 1957-1962.

1. Background files, 1956-1960

This subseries includes copies of the *New York Times* advertisement that started the original lawsuit, as well as some negative correspondence that was written to Police Commissioner L. B. Sullivan after the ad ran. A folder labeled background information includes a letter to Franklin W. Parks from the firm of Lord, Day and Lord; minutes of the Alabama State Board of Education and other documents concerning the expulsion of students from Alabama State College; and a photo of officials investigating dynamite left on the porch of Martin Luther King, Jr.'s house. Photocopies of Martin Luther King Jr.'s driver's record, 1956-1959, are also included in this subseries.

Box/Folder

1	1	Background information, 1957-1960
1	2	Copies of the New York Times ad, 1960
1	3	L. B. Sullivan correspondence, 1960
1	4	Martin Luther King, Jr., driver's record, 1956-1959

2. Circuit court files, 1960-1961

This subseries is composed of documents created during the phase of the trial when it was in the 15th Judicial Circuit Court in Montgomery, Ala. It includes court documents such as subpoenas; motions; orders and opinions; interrogatories; objections to interrogatories; deposition notices; replies to objections; court rulings; petitions for writ of mandamus; memoranda; outline of proof documents; and copies of a motion for a new trial. Notes made to files include handwritten notes on questions given to jurors; notes about the *New York Times* and its staff; and a list of news articles and ads referencing Alabama that ran in the *New York Times* from 1956 to 1960. The subseries also contains correspondence and notices of garnishment given to the defendants after they lost the case.

The subseries also includes some court documents from *Eugene Connor vs. New York Times*, such as interrogatories to defendants and answers to interrogatories.

Box/Folder

1	5	Circuit court paperwork, 1960-1961
1	6	Circuit court paperwork, 1960 (includes some <i>Connor vs. Times</i> records)
1	7	List of ads and staff stories in the <i>New York Times</i> , Feb. 1956- May 1960
1	8	Circuit court paperwork 1960
1	9	Circuit court paperwork, 1960-1961
1	10	Circuit court paperwork, 1960
1	11	Circuit court paperwork, 1960 (motion for new trial)

SERIES A. *NEW YORK TIMES VS. SULLIVAN* RECORDS, 1956-1963 (continued)

3. Alabama Supreme Court files, 1961-1962

This subseries consists of records created or used during the phase of the trial when it was before the Alabama Supreme Court. Court documents include a copy of the appeal; several copies of the brief and argument of the appellant (*New York Times*); copies of the brief and argument of the appellee; motions; and copies of the Alabama Supreme Court's opinion. Other records in the files include a typescript copy of Senate Bill 499; copies of some of the circuit court paperwork; assignments of error; and notes made to the files.

Box/Folder

1	12	Brief and argument of appellant, 1961
1	13	Appeal from the Circuit Court, 1961
1	14	Supreme Court paperwork, 1961
1	15	Brief and argument of appellant, 1961
1	16	Opinion, 1962
1	17	Opinion, 1962
1	18	Brief and argument of appellee, 1961
1	19	Brief and argument of appellant, 1961
1	20	Supreme Court paperwork 1961
1	21	Supreme Court paperwork 1961
1	22	Opinion, 1962
1	23	Opinion, 1962

4. United States Supreme Court files, 1961-1963

This subseries consists of records created or used during the phase of the trial when it was before the United States Supreme Court. It includes official printed court documents, such as copies of the brief for respondent, brief for respondent in opposition, brief for the petition, and motion for leave to file a brief for the ACLU as *Amicus Curiae*. It also includes drafts of Nachman's argument that he made before the court and notes that he made to the files. Paperwork from the other phases of the case can be found in this subseries, as well as official records from the U. S. Supreme Court case *Miami Herald Publishing Co. v. Dorothy M. Brautigam*.

Box/Folder

1	24	Miami Herald Publishing Co., v. Dorothy M. Brautigam
1	25	U. S. Supreme Court paperwork, 1961-1962
2	1	U. S. Supreme Court paperwork, 1962 (includes draft of argument)
2	2	U. S. Supreme Court paperwork, 1962-1963 (includes draft of argument)
2	3	Brief for Respondent, 1963 (3 copies)
2	4	Brief for Respondent in Opposition, 1962 (3 copies)
2	5	Brief of the ACLU and the NYCLU as Amici Curiae, 1963 (2 copies)
2	6	Brief for the Petition (2 copies)
2	7	Petitioners' Reply to Respondent's Brief in Opposition, 1962, and Motion of Tribune Company for Leave to File a Brief as Amicus Curiae, 1962

SERIES A. *NEW YORK TIMES VS. SULLIVAN* RECORDS, 1956-1963 (continued)

4. United States Supreme Court files, 1961-1963 (continued)

<u>Box/Folder</u>		
2	8	Brief for Respondent, 1963 (3 copies)
2	9	Brief for Respondent in Opposition, 1962 (3 copies) – <i>Abernathy vs. Sullivan</i>
2	10	U. S. Supreme Court paperwork, 1962-1963 – includes draft of argument and copy of State in Opposition to Motion for Apportionment of Printing Costs and Fees
2	11	U. S. Supreme Court paperwork, 1962-1964 – includes Motion for Apportionment of Printing Costs and Fees and Opinion of Justice Brennan on Writs of Certiorari to the Supreme Court of Alabama
2	12	U. S. Supreme Court paperwork, 1962-1963
2	13	U. S. Supreme Court paperwork, 1962-1963
2	14	U. S. Supreme Court paperwork, 1962-1963 – includes copy of statement of Walter B. Jones (1 Feb. 1961) and information on <i>Faulk vs. Aware, Inc., et al.</i>
2	15	U. S. Supreme Court paperwork, 1962 – includes Petition for a Writ of Certiorari to the Supreme Court of Alabama

5. Law notes, 1957-1962

This subseries includes typed and handwritten notes made for the files. Some topics covered include newspapers and privilege; *Miami Herald vs. Brautigam*; admissibility of evidence; and interrogatories. The Alabama Supreme Court opinion given in *Johnson Publishing Co., Inc., vs. Edward Davis*, can be found in this group of records, as well as paperwork from *Connor vs. New York Times* and *James vs. New York Times*. Paperwork from cases outside of the state of Alabama are also in this subseries.

2	16	Notes, 1962
2	17	Notes, 1957-1960, undated
2	18	Notes, 1957-1961
2	19	Notes, 1957-1960 – includes paperwork from <i>Johnson Publishing Co., Inc., vs. Edward Davis</i> and <i>Gayle vs. American News Co.</i>
2	20	Notes, 1960 – includes paperwork from Oklahoma Supreme Court case <i>Missouri-Kansas-Texas Railroad Com and Ernest A. Durbin vs. Mrs. John R. Edwards</i> and <i>James vs. New York Times</i> and <i>Connor vs. New York Times</i>
2	21	Notes, 1960 – includes paperwork from <i>Laura Emerson vs. W. C. Warren</i> and <i>James vs. New York Times</i>

SERIES B. *NEW YORK TIMES VS. PARKS AND PATTERSON* RECORDS, 1960-1965

This series includes records from *Abernathy vs. Patterson* as well. It is divided into the following subseries: 1. U. S. district court files, 1960-1961; 2. U. S. court of appeals records, 1961-1962; 3. United States Supreme Court files, 1962; and 4. *Ralph D. Abernathy vs. John Patterson* records, 1961-1965.

1. U. S. district court files, 1960-1961

This subseries is composed of documents created during the phase of the trial when it was in the District Court of the U. S. for the Middle District of Alabama, Northern Division, with Frank M. Johnson, Jr., as the presiding judge. It includes paperwork for the case such as orders, motions, memoranda, and typed and handwritten notes to the files. A transcript of the trial is also in the series, as well as a copy of the deposition of Martin Luther King, Jr., given on 13 June 1961.

Box/Folder

2	22	U. S. District court paperwork, 1960-1961
2	23	Deposition of Martin Luther King, Jr., 1961
2	24	U. S. District court paperwork, 1960-1961
2	25	Trial transcript, 26 April 1961
2	26	U. S. District court paperwork, 1960-1961

2. U. S. court of appeals records, 1961-1962

This subseries is composed of documents created during the phase of the trial when it was in the United States Court of Appeals for the Fifth Circuit. It includes published court documents such as the trial transcript with some notes made in it by Nachman, the brief of appellee, brief of appellants, motions, appeals, and petitions. It also includes copies of paperwork from the case.

Box/Folder

3	1	Brief of Appellee, Brief of Appellants (2 copies), Reply Brief of Appellants, Motion for Rehearing, Petition for Rehearing, and the copy of the appeal, 1961-1962
3	2	Appeals for <i>Abernathy vs. Patterson</i> , <i>Parks and Patterson vs. New York Times</i> , and <i>Connor vs. New York Times</i> , 1961-1962
3	3	Brief of Appellants and Reply Brief of Appellants, 1961
3	4	Transcript of record (with notes), 1961
3	5	Paperwork, 1961 – includes application for permission to appeal
3	6	Paperwork, 1961-1962
3	7	Transcript of record and Brief of Appellees from <i>Abernathy vs. Patterson</i> , 1961
3	8	Paperwork, 1961-1962

3. United States Supreme Court records, 1962

This subseries consists of records created or used during the phase of the trial when it was before the United States Supreme Court. Published court documents in this subseries

SERIES B. *NEW YORK TIMES VS. PARKS AND PATTERSON* RECORDS (continued)

3. United States Supreme Court records, 1962 (continued)

include petition for a writ of certiorari to the U. S. Court of Appeals, petitioner's reply brief, and brief for respondents in opposition. It also includes paperwork for the trial and typed and handwritten notes to the files.

Box/Folder

3	9	Petition for a Write of Certiorari to the U. S. Court of Appeals for the 5 th Circuit, Brief for Respondents in Opposition, and Petitioner's Reply Brief, 1962
3	10	Paperwork (notes to file), undated
3	11	Paperwork, 1962

4. *Ralph D. Abernathy vs. John Patterson* records, 1961-1965

This subseries consists of published court documents, paperwork and notes to files created during the *Abernathy vs. Patterson* case. Published court documents includes the trial transcript and briefs that were presented before the U. S. Court of Appeals, Fifth Circuit and copies of a petition and brief presented before the U. S. Supreme Court. The paperwork consists of drafts of court documents, summons, orders, and motions. Some correspondence is also included in the paperwork.

Box/Folder

3	12	U. S. Court of Appeals trial transcript, 1961; Brief of Appellants, Brief of Appellees, Reply Brief of Appellants, 1961
3	13	U. S. District Court summons and notes, 1961
3	14	U. S. Court of Appeals paperwork, 1961-1965
3	15	U.S. Court of Appeals paperwork, 1961 (includes copy of the U. S. Court of Appeals opinion in <i>NAACP vs. Gallion and Frink</i>)
3	16	U. S. Supreme Court paperwork, 1961-1962
3	17	U. S. Supreme Court documents: Petition for Write of Certiorari to the U. S. Court of Appeals for the 5 th Circuit and Brief for Respondents in Opposition, 1961

SERIES C. *EARL D. JAMES VS. NEW YORK TIMES* RECORDS, 1961-1965

This series includes the statement made by Judge Walter B. Jones about his decision to not integrate the courtroom when the case came before him in in the 15th Judicial Circuit Court in Montgomery, Ala. It is largely composed of circuit court documents such as amendments, motions, release, memoranda, and orders. Some correspondence can also be found in the series.

Box/Folder

3	18	Walter B. Jones statement, 1961
3	19	Circuit court paperwork, 1964-1965
3	20	Circuit court paperwork, 1963-1964
3	21	Circuit Court paperwork, 1964 (includes motion for a new trial)
3	22	Circuit court paperwork, 1961-1964

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SERIES C. *EARL D. JAMES VS. NEW YORK TIMES* RECORDS, 1961-1965 (continued)

<u>Box/Folder</u>		
3	23	Circuit court paperwork, 1961 (includes paperwork from <i>Sullivan vs. Times</i> and <i>Abernathy vs. Patterson</i>)
3	24	Circuit court paperwork, 1960-1961 (includes motion to desegregate the court room)

SERIES D. CORRESPONDENCE, 1960-1970

This series is composed of correspondence resulting from and regarding *New York Times vs. Sullivan*. Much of it is routine correspondence, such as letters requesting copies of court documents. There are also letters from attorneys in and out of the state of Alabama, requesting information about the case and letters written by Nachman to other attorneys requesting information about other libel cases. Correspondence worth noting includes a letter from the Mobile County sheriff regarding the planned sale of J. E. Lowery's property resulting from the *Times vs. Sullivan* case; a letter from the Alabama attorney general's office written 29 June 1960 giving and requesting information about the case; and a 1962 press release and brochure from the Lawyers Committee on the Alabama Libel Suits. Some of the letters contain financial requisitions, receipts, and clippings.

<u>Box/Folder</u>		
3	25	Correspondence, 1960-1961
3	26	Correspondence, 1961
3	27	Correspondence, 1962
3	28	Correspondence, 1962-1963
4	1	Correspondence, 1963-1964
4	2	Correspondence, 1964-1970

SERIES E. FINANCIAL RECORDS, 1961-1964

This series includes receipts for payment; a record of reimbursements made; notes on expenses incurred; court documents on expenses; and bill of costs records.

Box 4, Folder 3

SERIES F. CLIPPINGS AND NEWSPAPERS, 1954-1964, undated

This series is composed mainly of clippings, but also includes some issues of the *New York Times*. Clippings document the events surrounding the *Times vs. Sullivan* case, as well as opinions about it. The clippings also give information about related cases; libel lawsuits; libel laws; the civil rights movement; public opinion about the civil rights movement; the response of different churches to civil disobedience; opinions about a newspaper's responsibility in accurate reporting; and racial tension in the south. Some newspapers represented in the series include the *Birmingham News*, the *Montgomery Advertiser*, the *New York Times*, the *Alabama Journal*, and the *Birmingham Post-Herald*,

<u>Box/Folder</u>		
4	4	Clippings, 1954

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SERIES F. CLIPPINGS AND NEWSPAPERS, 1954-1964, undated (continued)

<u>Box/Folder</u>		
4	5	Clippings, 1956
4	6	Clippings, April 1960
4	7	Clippings, May-July 1960
4	8	Clippings, July-Sept. 1960
4	9	Clippings, Oct.-Dec. 1960
4	10	Clippings, Jan.-March 1961
4	11	Clippings, April-May 1961
4	12	Clippings, June-Dec. 1961
4	13	Clippings, Feb.-May 1962
4	14	Clippings, June-Aug. 1962
4	15	Clippings, Sept.-Nov. 1962
4	16	Clippings, 1963 (includes copy of the <i>Congressional Record</i> , 13 Aug. 1963)
4	17	Clippings, 1964 Jan.
4	18	Clippings, 1964 March-June
4	19	Clippings, undated
Oversize #81	1	<i>New York Times</i> issues, 15 March 1956, 29 March 1960
Oversize #81	2	<i>New York Times</i> issues, 12 April 1960, 13 April 1960
Oversize #81	3	<i>New York Times</i> issues, 30 Jan. 1961, 16 Feb. 1961, 12 Oct. 1962