

From John Malcolm Patterson

9 May 1960
Montgomery, Ala.

Alabama governor John Patterson demands that King publish a retraction of the "false and defamatory" statements in a 29 March 1960 fund-raising appeal titled "Heed Their Rising Voices."¹ The text of the advertisement detailed the conditions that King and student protesters faced and criticized "the Southern violators" who "have answered Dr. King's peaceful protests with intimidation and violence."

Patterson and other Alabama officials later filed libel suits against the New York Times and several Alabama ministers who appeared as signatories of the ad.² The

1. For a facsimile of the advertisement, see p. 384 in this volume. The *New York Times*, which published the advertisement, printed a retraction after Patterson sent them a similar letter ("Times Retracts Statement in Ad," *New York Times*, 16 May 1960).

2. Although Montgomery's mayor Earl James, city commissioner Frank Parks, and former city commissioner Clyde Sellers all filed suit shortly after Patterson, only the governor included King in his suit.

*first of the plaintiffs was awarded \$500,000 in a decision that was upheld by the state courts; it was eventually overturned by the U.S. Supreme Court in a landmark free speech case, New York Times Co. v. Sullivan.*³

9 May
1960

Rev. Martin Luther King
563 Johnson Avenue
Atlanta, Georgia

Dear Sir:

You will hereby take notice that under and by virtue of the Laws of Alabama, I demand that you publish a retraction of certain false and defamatory matter published by you in The New York Times of Tuesday, March 29, 1960, on page 25, published under the heading, "Heed Their Rising Voices," and particularly the following false and defamatory matter therein contained,

"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."⁴

The foregoing matter and the publication as a whole charge me with grave misconduct and of improper actions and omissions as Governor of Alabama and Ex-Officio Chairman of the State Board of Education of Alabama.

I further demand that you publish in as prominent and as public a manner as the foregoing false and defamatory material contained in the foregoing publication, a full and fair retraction of the entire false and defamatory matter so

3. *New York Times Co. v. Sullivan* (1964). For more on King's involvement in the case, see King to Fred D. Gray, 14 December 1960, p. 580 in this volume.

4. Attorneys for the Alabama officials argued that the statement was libelous because it contained false information and made reference to their clients, although it did not specifically name them. They noted several errors in the article: students sang the national anthem, not "My Country 'Tis of Thee"; students were expelled after attempting to eat at the Montgomery County courthouse, not for singing on the capitol steps; police never "ringed" the campus, nor were the dining halls padlocked; and King had been arrested only four times at the time of publication (see *New York Times Co. v. Sullivan* [1964]).

The Martin Luther King, Jr. Papers Project

13 May 1960 far as the same relates to me and to my conduct and acts as Governor of Alabama and Ex-Officio Chairman of the State Board of Education of Alabama.

Very truly yours,

[signed]

John Patterson

Governor

JP:k

REGISTERED MAIL

RETURN RECEIPT REQUESTED

TLS. MLKP-MBU: Box 5.