

# [New york times co. v. united s essay](https://assignbuster.com/new-york-times-co-v-united-s-essay/)

The New YorkTimes printed allegedly classified documents that leaked from the Pentagonabout the war in Vietnam. A 47 volume classified history of the American involvementin Vietnam was distributed to the Times and, later, the Post by Daniel Ellsberg, a minor writer in the Pentagon Papers. The Times published these papers bitby bit until the Nixon administration sought an injunction on the Times tostop publication. The Supreme Court found that the First Amendment did notpermit an injunction against the Times. The issue here is weather or notthe First Amendment applies to federal papers, and weather prior restraintis unconstitutional. Also, can the government seek an injunction on a pressto halt publication of such documents, even in cases of national security.

The Supreme Court Ruled 6-3 in favor of the New York Times, saying thatthe First Amendment did not permit an injunction against the press. The Courtfound that the Government did not relieve their “ Heavy Burden” of proof tojustify the injunction based on prior restraint. This verdict was reachedJune 25, 1971. A heavy burden of proof is placed on the government wheneverthere is grounds for prior restraint. Is this burden is not sufficiently substantiated, then and injunction cannot be issued. The First Amendment protects therights of individuals and the press to communicate freely. The U. S. has theright to halt any publication that they deem harmful, if and only if, theyshow enough evidence to support their injunction, and meet their “ Heavy Burden” of proof imposed upon them by the courts.