

New york times co. v. united s essay



**ASSIGN
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The New York Times printed allegedly classified documents that leaked from the Pentagon about the war in Vietnam. A 47 volume classified history of the American involvement in 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 bit by bit until the Nixon administration sought an injunction on the Times to stop publication. The Supreme Court found that the First Amendment did not permit an injunction against the Times. The issue here is whether or not the First Amendment applies to federal papers, and whether prior restraint is unconstitutional. Also, can the government seek an injunction on a press to 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 that the First Amendment did not permit an injunction against the press. The Court found that the Government did not relieve their “ Heavy Burden” of proof to justify the injunction based on prior restraint. This verdict was reached June 25, 1971. A heavy burden of proof is placed on the government whenever there is grounds for prior restraint. If this burden is not sufficiently substantiated, then an injunction cannot be issued. The First Amendment protects the rights of individuals and the press to communicate freely. The U. S. has the right to halt any publication that they deem harmful, if and only if, they show enough evidence to support their injunction, and meet their “ Heavy Burden” of proof imposed upon them by the courts.