



# New York Times v United States 1971

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# Background



In 1971, the public was becoming increasingly aware of the horrible war in Vietnam. Right around this time, the United States Secretary of Defense commissioned a “massive top-secret history of the United States role in Indochina.” Daniel Ellsberg, who helped write this 7,000 page report, leaked 43 of the 47 volumes to a *New York Times* writer. The paper soon started publishing articles outlining the findings, which created even more civil unrest about the war in Vietnam.



## Conclusion

Question: Did the Nixon administration's efforts to prevent the publication of what it deemed "classified information" violate the First Amendment?

Yes. In a 6-3 ruling The Court held that the government did not overcome the "heavy presumption against" prior restraint of the press in this case. It was argued that the vague word "security" should not be used to evade the fundamental law embodied in the First Amendment. It was also reasoned that since publication would not cause an inevitable, direct, and immediate event imperiling the safety of American forces, prior restraint was unjustified.

The ruling made it possible for The New York Times and The Washington Post newspapers to publish the then-classified Pentagon Papers without risk of government censorship or punishment.

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# What were the effects of this court case?

During this court case, the court ended up establishing a “heavy presumption against prior restraint,” even in cases involving national security. This meant that the court is very likely to find cases of government censorship unconstitutional.

New York Times v. United States remains one of the most important freedom of the press case in American history.

