

Free Press as “Government Watchdog”

In 1967, Secretary of Defense McNamara commissioned a study of the history of U.S. decision-making of policies involving Indochina, specifically Vietnam. The resulting documents became known as the Pentagon Papers. In 1971, Daniel Ellsberg, a government researcher, copied more than 7000 pages of documents that revealed the history of the government’s actions in the Vietnam War. Ellsberg believed that Americans needed to know what was in the reports, so he gave copies of the documents to the press.

On June 13, 1971, *The New York Times* began publishing articles about and excerpts from the documents. The Nixon administration immediately obtained a court order preventing the *Times* from printing more of the documents, arguing that publishing the material threatened national security. The *Times* obeyed the injunction but appealed the courts decision.

On June 18, the *Washington Post* had begun to publish their own articles about the Pentagon Papers as well. The government sought another injunction, but this time the court refused. The government appealed its case, and in less than two weeks that case—combined with *The New York Times* appeal—was before the Supreme Court.

The Supreme Court heard arguments on June 26. The government argued that prior restraint (prohibiting information from being published) was necessary to protect national security. However, on June 30, a divided Court refused to stop publication of the Pentagon Papers because the government failed to meet their burden to justify prior restraint.

The Court’s majority decision stated that the intent of publication was not to put the U.S. in danger but to educate the American people about the Vietnam War. By preventing the *New York Times* from publishing the material, the reporters’ First Amendment rights were being violated. Many historians now credit the publishing of the Pentagon Papers with helping to end the Vietnam War.

This case has become and continues to be an important precedent in support of the First Amendment’s freedom of the press.

Look through editions of the newspaper and other sources for examples of the news media holding the government or elected officials responsible for their actions (or in some cases, inaction). Select one and briefly write why this issue is important for the public to know about it.

Next: Students and their First Amendment Rights

Tinker v. Des Moines Independent Community SD (1969)
Hazelwood School District v. Kuhlmeier (1988)