

New York Times v. United States

PER CURIAM - Latin for "by the court." An opinion from an appellate court that does not identify any specific judge who may have written the opinion.

Per Curiam Opinion

We granted certiorari in these cases in which the United States seeks to enjoin the New York Times and the Washington Post from publishing the contents of a classified study entitled "History of U.S. Decision-Making Process on Viet Nam Policy." *Post*, pp. 942, 943.

"Any system of prior restraints of expression comes to this Court bearing a heavy presumption against its constitutional validity." *Bantam Books, Inc. v. Sullivan*, [372 U. S. 58](#), [372 U. S. 70](#) (1963); *see also* *Near v. Minnesota*, [283 U. S. 697](#) (1931). The Government "thus carries a heavy burden of showing justification for the imposition of such a restraint." *Organization for a Better Austin v. Keefe*, [402 U. S. 415](#), [402 U. S. 419](#) (1971). The District Court for the Southern District of New York, in the *New York Times* case, and the District Court for the District of Columbia and the Court of Appeals for the District of Columbia Circuit, in the *Washington Post* case, held that the Government had not met that burden. We agree.

The judgment of the Court of Appeals for the District of Columbia Circuit is therefore affirmed. The order of the Court of Appeals for the Second Circuit is reversed, and the case is remanded with directions to enter a judgment affirming the judgment of the District Court for the Southern District of New York. The stays entered June 25, 1971, by the Court are vacated. The judgments shall issue forthwith.

So ordered.

* Together with No. 1885, *United States v. Washington Post Co. et al.*, on certiorari to the United States Court of Appeals for the District of Columbia Circuit.