



# New York Times Company v. United States (1971): Lesson Plan

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| <b>Topic</b>   |                    |
| In <i>New York Times Company v. United States</i> (1971), the Supreme Court decided that the government could not use prior restraint against a newspaper that was publishing information the government found classified. The Court found that the government could not prove that the publication of the Pentagon Papers risked national security. |                    |
| <b>Possible subjects/classes</b>   | <b>Time needed</b> |
| <ul style="list-style-type: none"> <li>• Civics</li> <li>• History</li> <li>• Social Studies</li> </ul>  | 30-45 mins         |
| <b>Video link:</b>   |                    |
| <a href="https://academy4sc.org/video/new-york-times-company-v-united-states-1971/">https://academy4sc.org/video/new-york-times-company-v-united-states-1971/</a>  |                    |
| <b>Objective: <i>What will students know/be able to do at the end of class?</i></b>  |                    |
| By the end of this lesson, students will be able to: <ul style="list-style-type: none"> <li>• Define Prior Restraint</li> <li>• Describe the Pentagon Papers</li> </ul>  |                    |
| <b>Key Concepts &amp; Vocabulary</b>   |                    |
| Vietnam War, Per Curiam, Watergate   |                    |
| <b>Materials Needed</b>  |                    |
| Internet Access for Activity Ideas   |                    |
| <b>Before you watch</b>  |                    |
| <b>Think, Pair, Share</b>  |                    |
| Is it ever okay for the government to limit the free press? If so, in what ways?   |                    |



Think to yourself for a couple of minutes, then share with a partner or multiple if time permits.

### While you watch

Complete the worksheet.

### After you watch/discussion questions

1. Do you agree with the government's argument that releasing information that could turn public opinion against the Vietnam War puts national security at risk?
2. Do you think prior restraint on the free press is ever necessary?
3. What do you think of government attacks and criticism of the free press? Are they warranted?

### Activity Ideas

- Have one group research the Vietnam War (not including the Pentagon Papers), another group research the Pentagon Papers, and another group research Watergate. Then have them make a 3-5 minute casual presentation of their findings and share with the class.
- Have students write an op-ed for a school or local newspaper about a controversial issue of their choosing. Another option could be to write a letter to the editor of a local paper. This can be done on an individual or group basis.
- Simulation activity: Students role play as a panel that has been tasked to defend freedom of press on a college campus. They should answer: How can media on campus (newspapers, radio stations, etc) hold the administration accountable? Are there any scenarios when the administration can control what the media says/writes? If yes, how would you defend your choice to students? If no, how would you defend your choice to the administration? What is the biggest threat to press freedom on college campuses? Who is responsible for defending press freedom in this context? (conduct additional research as necessary).

### Sources/places to learn more

1. Gillman, Howard. *American Constitutionalism, Second Edition. Volume II Rights and Liberties*. [Virtual Source Bookshelf].



2. "New York Times Company v. United States." Oyez, [www.oyez.org/cases/1970/1873](http://www.oyez.org/cases/1970/1873)
3. Robertson, Steve. "New York Times Co. v. United States (1971)," *The First Amendment Encyclopedia* <https://mtsu.edu/first-amendment/article/505/new-york-times-co-v-united-states>
4. Haberman, Maggie; Benner, Katie. "Trump Administration Sues to Try to Delay the Publication of Bolton's Book," *The New York Times*, (June 16, 2020) <https://www.nytimes.com/2020/06/16/us/politics/john-bolton-book-publication.html>