

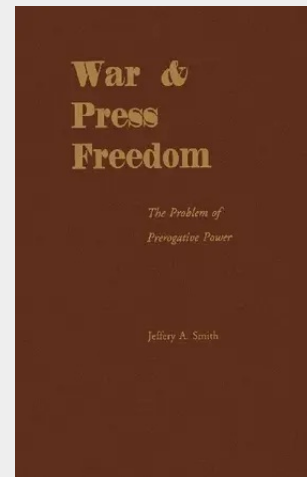
Smith

War & Press Freedom

The Problem of Prerogative Power

Journalists have often lost constitutional rights for coverage and commentary during America's wars. Based on analysis of two hundred years of law and history, this study argues that press freedom cannot and should not be suspended during armed conflict. The military and the media must work together because neither has authority over the other.

In the two centuries from the ratification of the First Amendment in 1791 through the Gulf War in 1991, the American press lacked an adequate right to analyze and report on the nation's armed conflicts. When restrictions were challenged as violations of the Constitution, military regulations and federal laws were justified as necessary under the "higher law" of survival. Is there law more important than the Constitution which allows prerogative powers to be used in a time of war or national crisis? This groundbreaking and provocative study, examining law and history over these two hundred years, argues that press freedom cannot and should not be suspended during armed conflict.



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