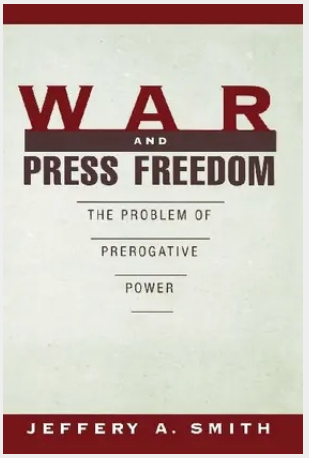
Smith

War and Press Freedom

The Problem of Prerogative Power

Over the course of the two centuries between the ratification of the First Amendment in 1791 and the Gulf War in 1991, the American press lacked an adequate right to analyse and report on this 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 some 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. Author Smith maintains that the military and the media must work together on such matters, for neither has authority over the other.

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