

Prior Restraints on Media in the United States Constitution

Marwan al-khalidy

Ishik University-Law Faculty

Media plays an important portion of the freedom of expression in America. The First Amendment of the United States Constitution, guaranteeing freedom of expression: “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.” In the *Alexander v. U.S.* 509 U.S. 544, (1993) case the Supreme Court stated, “The term ‘Prior Restraints,’ for purpose of the right to free speech, is an administrative or judicial order forbidding certain communications when issued in advance of the time that such communications are to occur.” Also in *Nebraska Press Association v. Stuart*, 427 US 539 (1976), the Supreme Court declared that “Prior restraints on speech and publication are the most serious and least tolerable infringement on first amendment rights,” In *Near v. Minnesota ex rel. Olson* 283 U.S. 679, (1931) the Supreme Court struck down the statute by Minnesota, which prevented publishing under circumstance of national security. The Court held that “the statutory scheme constituted a prior restraint and hence was invalid under the First Amendment.