

State of Michigan LAW DAY 2009 Essay Contest
"A Legacy of Liberty: Celebrating Lincoln's Bicentennial"
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**Limitation of the Press during Wartime:
Freedom of the Press vs. National Security**

Suppose a newspaper has received information about American military activities during wartime. Should the newspaper be allowed to print classified documents that could affect our national security? Yes, under certain circumstances, the press should be able to publish classified information related to war, as long as it does not reveal dangerous information to the enemy.

Knowing what is happening during wartime is vital to some people. U.S. citizens want to know about their country's actions because they care about the troops and how American actions are affecting others around the world. People debate whether America is doing the right thing going to war, and whether we need to elect a new leader and change course. To know about these things, it is crucial that the press inform us. However, if the press gives away damaging information and our enemy gets an advantage, then our military would be endangered. The press should reveal information needed by the public, but they need to be careful about not giving away any information that could lead to harm for Americans.

There are two core democratic values that relate to this issue and people could consider they are in conflict with each other. The first is freedom of the press, which was guaranteed by the First Amendment of our United States Constitution. This was one of the basic freedoms that was added to our Constitution by the Bill of Rights. This important right makes our country different from other countries where the government has controlled the press. The second relevant core democratic value is protection of our national security. Article II of the Constitution says the President is Commander in Chief and is responsible for our protection. While we don't want to infringe our first amendment rights we also don't want to do anything that will harm our country.

In New York Times Co. v. United States, 403 U.S. 713 (1971), President Nixon did not want newspapers to publish the Pentagon Papers, which described U.S. actions during the Vietnam War. The Supreme Court ruled against Nixon, and the papers were published because justices argued that the information was not damaging enough that the papers should have been prevented from being published. The Supreme Court said, "In the First Amendment the Founding Fathers gave the free press the protection it must have to fulfill its essential role in our democracy. The press was to serve the governed, not the governors." However, if secret information is vital to our national security, then the press can be restrained. The justices referred to Schenck v. United States, 249 U.S. 47 (1919), which said, "[t]he question in every case is whether the words...create a clear and present danger..."

In conclusion, our First Amendment rights assure us that our freedoms will be protected. Our country should be careful, even in wartime, not to suspend our important constitutional rights. Freedom of the press should not be limited because of national security, unless published documents would provide the opposition with damaging information.