

State of Michigan LAW DAY 2009 Essay Contest
"A Legacy of Liberty: Celebrating Lincoln's Bicentennial"

Michael Alan Schickling ~ Third Place ~ Seventh Grade
Tappan Middle School, Ann Arbor, Michigan
Teacher – Mrs. Wendy Raymond

Suppose a newspaper received and published information about the location of a secret military base during a war. Should there be limitations on the freedom of the press during wartime? Yes, there should be limitations on the freedom of the press during wartime.

Revealing activities of the military during a war could endanger the lives of many soldiers. If one base was eliminated, or one operation foiled, then the trickle down effect could cause many more soldiers to die. The support of those men and women would be gone. It is not right that because of one article in a newspaper someone's life could be in danger. More than just people's lives could be in danger. If our country lost a war, then that could destroy our entire way of life.

A core democratic value that relates to this situation is the common good. The common good means action for the good of many people. It would not benefit the common good if information got into the wrong hands. President Lincoln put restrictions on the freedom of the press during the Civil War. He did not allow much information about the war or any anti-war articles to be released to the public. Lincoln realized that the good of the nation was more important than the individual rights of journalists and newspaper editors.

The question of whether there should be freedom of the press during wartime was discussed in the United States Supreme Court case New York Times Co. v. United States, 403 U. S. 713 (1971). The court ruled that the New York Times should be able to publish material concerning military activities in Vietnam. Justice Black stated, "[i]n seeking injunctions against these newspapers, and in its presentation to the Court, the Executive Branch seems to have forgotten the essential purpose and history of the First Amendment." However, Justice Black didn't take into consideration that one journalist's individual rights may be less important than the common good. In his dissenting opinion Justice Blackmun wrote, "I strongly urge, and sincerely hope, that ... newspapers will be fully aware of their ultimate responsibilities to the United States of America." Judge Wilkey, dissenting judge in a lower court case concluded that there were a number of examples of documents that, if in the possession of the newspapers and if published, "could clearly result in great harm to the nation," and he defined "harm" to mean "the death of soldiers, the destruction of alliances, the greatly increased difficulty of negotiation with our enemies, the inability of our diplomats to negotiate. . . ." This statement supports the opinion that there should be restrictions on freedom of the press during wartime.

Should there be limitations on the freedom of the press during wartime? During times of peace there can be a wider range of freedoms for journalists. However in times of war there should be limitations on the freedom of the press.