

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

Anna Rosenfeld ~ Second Place ~ Eighth Grade
Tappan Middle School, Ann Arbor, Michigan
Teacher – Mr. Stephen Morris

Should there be limitations on the freedom of the press during wartime? The First Amendment states, "Congress shall make no law... abridging the freedom of speech, or of the press..." This amendment seems straightforward. However, under extreme circumstances, I believe that there must be some limitations on freedom of speech during wartime.

After the events of September 11, 2001, our country became more concerned than ever with safety and security. Sometimes it is not in citizens' best interests for the press to be allowed to reveal every detail of government activity. For example, let us imagine that the United States discovered that Osama Bin Laden was planning to plant a nuclear bomb in a major U.S. city. Naturally, the government would immediately create a complex and top-secret plan to stop Bin Laden. Now, let us also imagine that a writer at a large national newspaper discovered details about this terrorist act and the United States' plan to stop it, and the paper decided to publish these facts. Disseminating this information could cause a major breach in national security; keeping this information secret would be the best decision.

The core democratic value relating to the issue of freedom of the press during wartime is the common good. Telling the people all of the facts regarding a national war might put them in more danger. Sometimes, newspapers waiting to release information may be the safest and most beneficial thing for our citizens.

In New York Times Co. v. United States, 403 U.S. 113 (1971), also known as the Pentagon Papers Case, the Nixon Administration tried to prohibit The New York Times and The Washington Post from publishing papers regarding American activity during the Vietnam War. The administration argued that allowing the papers to be released could be harmful to national security. The Supreme Court sided with the newspapers, ruling that requiring newspapers to withhold information was a direct violation of the First Amendment. Justice Blackmun, a dissenting judge, disagreed, concluding "that there were a number...of documents that...if published, could clearly result in great harm to the nation."

The decision upholding publication, however, refers only to the facts of this case, and it is made clear that "the government did not overcome the 'heavy presumption against' prior restraint of the press in this case." This means that the Court recognized that its ruling does not apply to all circumstances, and there may be exceptions.

Freedom of the press is one of the many wonderful values of the United States of America. However, in some very dire circumstances it is better to withhold information from citizens. The dissent in the Pentagon Papers case recognized this, and recent events such as 9/11 confirm it. Sometimes releasing information could be harmful to national security. The safety of our citizens is the most important thing, and, in the rarest, most extreme situations, freedom of the press absolutely must be put on hold.