

# Wartime Press Freedoms

## From the Pentagon Papers to Wikileaks

### Critical Engagement Question

Should the rights of a free press be limited by the U.S. government during times of war?

### Overview

A free press plays a vital role in any democratic society by reporting on current events and preventing the government from operating in secrecy. The First Amendment to the U.S. Constitution prohibits the government from abridging the rights of a free press so that it may fulfill this role.

During times of war, however, the federal government has historically limited freedom of the press, proclaiming a need to preserve national security, conceal tactical and strategic military intelligence, or ensure troop safety. The government's obligation to protect American lives and interests has at times been in conflict with the freedom of press guaranteed by the First Amendment.

This conflict is drawn into even sharper relief in this digital age, when the press can leverage Internet and global satellite technologies to connect Americans to the frontlines of war. Moreover, citizens themselves have unprecedented access to information concerning public matters, some of it sensitive to national security. The recent controversy over the disclosure of classified information from the U.S. Government via the Wikileaks website is emblematic of the precarious balance between liberty and security maintained by the First Amendment.

### Objectives

- To promote an understanding of the First Amendment and its role in protecting freedom of the press.
- To enable students to understand the relationship between press and government.
- To provide students with an historical perspective on reporting during times of war.
- To familiarize students with the inherent tension between liberty and security during times of war.
- To help students understand how technology has shaped this debate in recent times.

### Standards

NCHS: Era 3, Standard 3B; Era 10, Standards 1B, 1C, and 2D

NCSS: Strands 5, 6, 8, and 10

Illinois:

- Social Science: Goal 14, Standards A, E, and F; Goal 18, Standard B
- Common Core Standards for English Language Arts & Literacy in History/Social Studies: Reading History 1, 2, 3, 4, and 10; Writing History 1 and 9
- Social and Emotional: Goal 2, Standard C; Goal 3, Standards A and B

### Student Materials

Graphic organizer (Worksheet A)

Internet access or informational handouts on historical topics

Structured Academic Controversy guide (Worksheet B)

### Time and Grade Level

Two 45-minute class periods with pre- and post-activity homework.

Recommended for grades 9-12.

### Warm-Up:

1. Write 'liberty' and 'security' on the board and ask students to define each term. Ask them to brainstorm concepts and phrases associated with each.
2. Lead students in a discussion about the tension between First Amendment freedoms (particularly freedom of the press) and the government's responsibility to protect national security and ensure troop safety during times of war.
3. Define terms such as habeas corpus, sedition, prior restraint, and source anonymity.

### Activity

#### Class Period 1 (of 2)

1. Divide students into teams of five for this jigsaw activity. (Computer lab time or informational handouts will be required. Useful Web sites may include Findlaw.com, Oyez.org and SupremeCourtUS.gov.)
2. Each member of a team is to research one of the topics listed below, using Worksheet A to record findings.
  - Alien and Sedition Acts (1798) during the "Quasi War"
  - *Ex parte Merryman* (1861) and President Lincoln's suspension of habeas corpus
  - Espionage Act (1917) and Sedition Act (1918) during World War I
  - *Schenck v. United States* (1919) and the "Clear and Present Danger" standard
  - The "Pentagon Papers" and *New York Times Co. v. United States* (1971)
3. When students have completed their research, each member should report his/her findings to the team. By taking notes on team members' reports, each student should have a complete graphic organizer by the conclusion of the class period.
4. As a class, discuss the important points of each act/case, using the board to construct a timeline of events.

#### Class Period 2 (of 2)

1. Review the timeline and important points of each act/case discussed during the last class period.
2. Lead students in a discussion of contemporary issues surrounding the freedom of the press during times of war through a structured academic controversy concerning Wikileaks.
3. Divide students into teams of four for this structured academic controversy. Worksheet B will help facilitate the process that follows.
4. Distribute copies of the December 29, 2010, *Wall Street Journal* op-ed written by Floyd Abrams titled "Why Wikileaks Is Unlike the Pentagon Papers" to a pair of students in each group (Position A), and copies of the January 3, 2011, *New York Times* op-ed by Geoffrey Stone titled "A Clear Danger to Free Speech" to the other pair (Position B).
5. Ask each dyad to read the article assigned to them individually, complete the evidence portion of their SAC guide with their partner, and then present their respective positions.
6. The opposing dyad should complete the opposite side of the evidence chart while listening to their peers, and later restate their peers' arguments prior to presenting their own.
7. Dyads then abandon their assigned arguments and attempt to build a group consensus in response to the following question: Should those individuals involved in the Wikileaks controversy, from government employees to private citizens to the news media, be punished for disseminating sensitive information relating to U.S. national security?
8. As groups complete their consensus statements, ask them to share their conclusions with the class as a whole. Also, inquire about any questions that arose during deliberations relative to the sources consulted and ideas considered.
9. Finally, ask the class as a whole to consider how well the Wikileaks controversy meshes with the historical "Wartime Reporting and First Amendment Freedom of the Press" timeline completed the previous day.

### Extensions

1. Have students create their own political cartoon addressing the issue of a free press during wartime. Show examples to the students before they begin.
2. Have students write a letter to their local newspaper editor outlining their opinions on the First Amendment, freedom of the press, and the limits (if any) that the government should impose during times of war. Each letter must be typed, at least one page long, citing relevant sources, and should be an outgrowth of the activities and discussions which took place in class.

# Wartime Press Freedoms

## Graphic Organizer

Name: \_\_\_\_\_

### Wartime Reporting and First Amendment Freedom of the Press

**Directions:** In the graphic organizer below, please complete the column with your assigned legislation or Supreme Court case. Then, share this information with your fellow group members as you work together to complete the graphic organizer.

	<i>Alien and Sedition Act</i>	<i>Ex Parte Merryman</i>	<i>Espionage Act</i>	<i>Schenck v. U.S.</i>	<i>New York Times v. U.S.</i>
<b>Year:</b>					
What military conflict was the U.S. engaged in at this time?					
What First Amendment issues were at stake? Describe the Act/ Supreme Court case.					
What was the outcome?					
<b>Your Opinion:</b> Was the right decision made? Why or why not?					

# Wartime Press Freedoms

## Structured Academic Controversy Guide

Name: \_\_\_\_\_

### Wikileaks and Wartime Press Freedoms

**Directions:** Please complete the Structured Academic Controversy (SAC) guide below as instructed by your teacher individually, then with your partner, and finally with the group as a whole.

**SAC Question:** Should those individuals involved in the Wikileaks controversy, from government employees to private citizens to the news media, be punished for disseminating sensitive information relating to U.S. national security?

<b>Position A:</b> Yes, those involved in the Wikileaks controversy should be punished	<b>Position B:</b> No, those involved in the Wikileaks controversy should not be punished
<i>Evidence 1:</i>	<i>Evidence 1:</i>
<i>Evidence 2:</i>	<i>Evidence 2:</i>
<i>Evidence 3:</i>	<i>Evidence 3:</i>
<i>Evidence 4:</i>	<i>Evidence 4:</i>

**Record questions that you have about sources and ideas below.**

**Consensus:**