

STATE OF MICHIGAN LAW DAY 2006 ESSAY CONTEST
“LIBERTY UNDER LAW: SEPARATE BRANCHES, BALANCED POWERS”
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Suppose that the President, acting on his own authority and without a court warrant, has ordered surveillance on suspected foreign terrorist operatives within the United States. Should the President be able to order federal officials to eavesdrop on people within the United States?

Chaos. Fear clouded the eyes of every American. Thick dust engulfed the air. Debris blanketed the ground. Fire ripped through the site of the Twin Towers. Just like that, the Twin Towers were no more. September 11, 2001: this day will scar the United States forever. In order for this never to happen on American soil again, the United States must be safe and protected. Who better to keep us secure than our President? If the President believes someone is possibly dangerous, I believe he should be able to order federal agents to eavesdrop on that person, with no warrant.

United States v. United States District Court, 407 U. S. 297(1972) is a landmark Supreme Court case. An Ann Arbor CIA office was bombed. The President ordered federal officials to wiretap a suspect's telephone, with no warrant. His lawyers demanded that the information they gained be dismissed. The government refused, stating that the President was doing his job by protecting the citizens. I believe if he knew the man bombed the office, he should obtain the evidence needed to prove his case. If the President seeks a warrant, he is risking the leak of secretive information. As the government argued, “[s]ecrecy is the essential ingredient in intelligence gathering; requiring prior judicial authorization would create a greater danger of leaks...” *Id.* at 319. A warrant touches many hands. With each person, the risk of information being disseminated is greater. The President must do whatever he feels necessary to assure American safety.

The Preamble of the Constitution states, “We the people of the United States, in order to form a more perfect union . . . insure domestic tranquility . . .” This means that Americans must feel safe and protected. If the President could take action and eavesdrop without going through the long warrant process, we would be a much more secure nation.

In a recent *Detroit Free Press* article, President Bush stated, “we are at war, and as a Commander and Chief, I’ve got to use the resources at my disposal, within the law, to help protect the American people . . .” By wiretapping someone who is possibly dangerous, the President is doing his job, protecting us.

The Common Good is an essential core democratic value, one that supports the issue of Presidential eavesdropping. Citizens must make choices that benefit everyone, or as stated in the Preamble of the Constitution, “to promote the general welfare.” The government should make wise decisions that will protect us, even if we are forfeiting some of our liberties. Giving a little to ensure that our great country is safe, isn’t asking too much. Bin Ladin’s recent message reminds us all that terrorism is still a prominent threat to the United States.

We never want a tragic event like September 11, 2001, to repeat itself. That is why I believe the President of the United States should have the freedom to order federal officials to eavesdrop on people, with no warrant. This presidential power will assure we never see a horrific morning unfold like we did almost five years ago.