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US Government / Politics

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The Price of Liberty

"... we must remember that just as [terrorism] could destroy us from without, it could also destroy us from within. "¹

The face of liberty has changed. I recall twenty years ago, meeting my father at the gate after his long flight home. I recall twenty weeks ago, meeting my father just outside the security checkpoint after my long flight there. Twenty weeks ago, the old lady in seat 3C was not knitting. Twenty years ago, she wasn't knitting either; but perhaps her mother was. Subtly, and over time, small inconveniences in the name of security have become the usual fare, and we think nothing of it: why else does the government exist but to secure our greater liberty, at some smaller cost? Recently, however, the exchange rate between these two currencies has swung dramatically in favor of governmental power and security, partially in response to the terrorist attacks of Sept. 11, 2001.

The USA PATRIOT Act, passed a scarce month after the attacks², was a powerful and near-immediate response for a body such as Congress. The fear of another attack made security more important to the public than the various conveniences and liberties that were sacrificed. Many decry these sacrifices as steps down a dangerous path. Although it is important to realize that liberty without security is short-lived, and security without liberty is worthless, the treatment of liberty and security as

¹ Rep. John Conyers, Jr. (D-Michigan), as quoted reference #2, below

² New York Times, *House Passes Terrorism Bill Much Like Senate's, but with 5-Year Limit*, 2001-10-13

diametrically opposed ideals has a dangerously flawed implication: that there is also a permanent ideal balance between the two, which we must find. The less convenient reality is that the balance must change with changing times. It is dangerous to allow a fixed sense of liberty to undermine security in a time of urgent need; it is equally dangerous to allow a fixed sense of security to continue to restrict liberty after that need has passed.

As a society, we have always tended toward a wariness of government. We assume that government is corrupt until proven innocent, and this mistrust seems justified. The government-sanctioned cruelty at the Guantanamo Bay Naval Base, the distinctly Orwellian caste of John Ashcroft's proposed TIPS initiative, and the identifying miscellanea of the aborted TIA database were all examples of government power, granted or proposed in the name of security, demonstrating great abuse of liberty and basic human rights, or great potential for such abuse. However, not all attempts to promote security are abominations that destroy our liberty, and such abominations most often do not see the light of day. Congress has rejected outright those proposals which clearly make “bad trades” between liberty and security. Even in the case of a rapidly drafted, apparently successful compromise such as the PATRIOT Act, we were cautious enough to insert a sunset clause that required re-evaluation by the President after three years, and by Congress after five.³ The needle may swing toward security, but as a culture we are still aware that it must be kept in check.

Despite our inherent mistrust, security and liberty are not always at odds. “The choice is not between order and liberty. It is between liberty with order and anarchy without either.”⁴ The

3 *The USA PATRIOT Act: A Sketch*, CRS Report for Congress, 2002-04-18

4 Justice Robert Jackson, dissenting opinion, *Terminiello v. Chicago*, 337 U.S. 1, 37 (1949)

inconvenience of state-issued personal ID and vehicle registration does not restrict our liberty to drive where we wish, and provides for the efficient enforcement of our security. Similarly, one *Southwest Airlines* ad campaign declares, “You are now free to move about the country,”⁵ and that statement is largely true, despite the increased restrictions associated with air travel. If there were *no* inconvenient security in airports, we would be free to fly, but today many travelers would likely choose not to. Our liberty in this case is enhanced by security, by trading those former conveniences of air travel for the greater freedom to make decisions unmotivated by fear.

Security is therefore necessary for the continued existence of liberty; fear is as effective as government in its restriction of our freedom. When the sacrifice of a smaller individual liberty is necessary to ensure the security of a greater liberty, that is a sacrifice we should be willing to make, despite the commonly respected view that “those who sacrifice liberty for security deserve neither.”⁶ However, when liberty is sacrificed for merely the efficiency of security, that is a sacrifice we should decry – and we have done so, even to the point of mandating re-evaluation of the good sacrifices as well. This sort of diligence is a good start, but is required in greater doses for any government to be agile enough to maintain the shifting ideal balance between the protection of its citizens and the protection of their freedoms.

The relatively modern threat of terrorism seems to place liberty and security inevitably at odds with one another. To combat terrorism, unlike many conventional threats to our security, we must make more intrusive sacrifices against our individual liberties, or else be subject to the fear of a terrorist

5 I told you, it's a Southwest Airlines ad campaign. Don't expect me to go looking it up. You've got a perfectly good TV.

6 Benjamin Franklin (attributed)

attack. By the nature of his art, the terrorist aims to inspire this fear in his enemy, and to use it as a means to an end – *his* end. While we must not fail to address the overt threats of violence that terrorism presents, we must also remember that the terrorist's ultimate goal is not destruction or subjugation; it is manipulation: to exert an influence on his enemy's behavior and policy so as to advance his particular agenda. Therefore, we must address this threat above all others: that while we act decisively to secure our lives and property in the face of violence, we might fail to act decisively to secure our liberty and sovereignty in the face of fear, by allowing any trespass upon them to continue for even one second beyond the hour of its necessity.”⁷

⁷Robert M. Koch, *The Price of Liberty*, 2008-02-14. (Sorry, the wording got so full of rhetoric that it needed an end-quote.)