

THE PRICE OF LIBERTY

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3 October 2003

Thomas Jefferson, one of the founding fathers of America, once said that “the price of liberty is eternal vigilance.” Some two hundred years later, American citizens would do well to heed his advice. The USA PATRIOT Act, passed in the heat of the moment after the infamous September 11, 2001, attacks on America, carries great potential for harm - harm to the liberty of American citizens, liberty that Americans in generations past gave up their lifeblood to gain. While it is true that some action was necessary after the attacks, we must be wary of massive government action, even that which is ostensibly for our protection. Proponents of the Patriot Act, such as Heather McDonald, who recently spoke at Hillsdale College’s CCA on US Intelligence Activities, allege that the Act was an appropriate response to the terrorist activities of 9-11, and that it merely grants the government necessary power to fight the enemies of America. Others, such as Juan Williams, who also spoke at the CCA, are not so quick to jump to that conclusion; rather, they say, we must be wary of our ever-growing government and its attempts to intrude upon our personal liberty, however those intrusions may be disguised. Professor Will Morrisey spoke in his presentation at the CCA of the “moral obligation to be intelligent.” That obligation includes the vigilance Jefferson speaks of, and we would do well to be distrustful of the Patriot Act in the name of this vigilance. We are indeed at war - and we must not forget why America first went to war, over two hundred years ago. The USA PATRIOT Act was not an appropriate response to the attacks on our safety, because it introduces a far greater danger than that we faced on September 11 - a danger to our liberty.

Mr. Williams, in his speech on September 17, stressed the importance of continual vigilance in regard to government action. He believes that the Act was not necessarily a mistake,

but that “...it was a mistake the Act was passed without sufficient review or forethought...” As he pointed out, far too many of those congressmen who voted in favor of the Act are now regretting their decisions and coming out in opposition to it. It is certainly understandable that the members of Congress may not have had sufficient time to review the Act, which is well over one hundred pages long and extremely hard to comprehend because of its vague references to previous laws and amendments. However, the cumbersome text of the Act does not disguise its perilousness for long. Soon after it was passed, the infamous Section 215 came into heated debate, and continues to be one of the most controversial portions of the Act. This Section allows for “...the production of any tangible things [such as records and computer files]...for an investigation to protect against international terrorism...” (USA PATRIOT Act, H7164) In essence, it allows federal investigators to obtain, without suspicion of criminal activity, records pertaining to the personal lives of Americans. It creates, as Mr. Williams points out, the danger “...that the liberty necessary for the exercise of intellectual curiosity... will be restricted...” America has been for two short centuries the land of the free. We now appear to be turning that designation in for a new one (but a dangerous one): “The land of the safe.”

Ms. McDonald also spoke on September 17, in the evening following Mr. Williams’ speech. She not only argued in favor of the PATRIOT Act; she implied that it had not gone far enough. “Government activities to date,” she said, “...haven’t curtailed our liberties...” She added, though, that, “Maybe, at some point in the future, we will have to make the tragic tradeoff between liberty and security.” Ms. McDonald, and far too many like her, appear quite willing to make this tradeoff. Are we so far from the Founding Fathers that safety is more important than liberty? Are we so afraid of international terrorism that we are willing to give up the one thing which makes us distinctly American - our freedom?

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When Professor Morrissey spoke of the moral obligation to be intelligent, he said that it seems sometimes to be "...an obligation as necessary as it is impossible." The balance between vigilance and paranoia can be a very delicate one to maintain. The individual's obligation to intelligence, and vigilance, seems impossible to define, much less perpetuate. How do we know what the difference is between those government actions which are fighting terrorism, and those which are intruding upon our personal liberty and our constitutional rights? When do we say that the government's actions have intruded upon our personal liberties? As Dr. James Brandon said in his comments during the CCA, "Where do you draw the line?"

Benjamin Franklin, another of the founding fathers, said something which is relevant to this issue. He said that men who "...are willing to give up essential liberty for the sake of safety, deserve neither liberty nor safety." The only true safety is liberty. When each man has the freedom to protect himself, he has the opportunity for safety, and only then. When the government has the power to intrude on personal freedoms to the extent that the PATRIOT Act allows, citizens are no longer free, or safe. Mr. Williams said in his speech, "...it's important that...we have a collective sense of the importance our liberty and what it is that makes us Americans..." What makes us Americans is our liberty. We are not Americans through fear of terrorists. We are not Americans through timidity. We are not Americans because we go to our Big Brother government and beg for protection. We are Americans because we stand up for ourselves, for our freedom, and for our personal safety. Safety and liberty go hand in hand - there is no separating the one from the other. If we do not have liberty, we cannot have safety.

The USA PATRIOT Act is not dangerous because of what it is, but dangerous because of what it signifies - that Americans are willing to sacrifice even the smallest portion of liberty for the hollow promise of safety and protection. It signifies that the American citizen no longer feels

the responsibility to protect himself, but that he is willing, and even eager, to hand over that responsibility to the government. The government has no moral obligation to babysit its citizens. It is the secondary guarantor of our rights, not the first place we should turn for protection. Mr. Williams said that the Act "...requires vigilance by each and every one of us who prizes his liberty." Unless Americans revitalize their sense of personal responsibility, and remember that vigilance is indeed the price of liberty, the USA PATRIOT Act is far from the worst intrusion that the government will visit upon us. As we move farther away from the time in which this country was born, in which the price of liberty was not only vigilance but blood, we must not lose track of what it is we value most, namely, that very liberty. If we have liberty, such safety as it is possible for men to enjoy will follow. In this time of war, and of subtle government intrusion, we must guard our liberty jealously. The attacks of September 11, 2001, certainly required a response. The al-Qaeda terrorists assaulted the spirit of America that day, and we owed them a reply that demonstrated exactly what that spirit was. We did not give it. Instead, we turned the essence of America upside-down and declared, to all who had ears to hear, that we were no longer the Land of the Free and the Home of the Brave. In the name of safety we gave up our liberty, and that was not a rightful response to an enemy attack.

(1306 words.)