

What Price Homeland Security?

Civil Liberties

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What is the problem?

- Vulnerability of American society to terrorist attacks
 - Fragility of infrastructure
 - Fragility of civil society
- Undeterrable enemy
 - Suicide missions
 - Chemical, biological, and nuclear weapons

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How Serious is the Problem?

- Causes of American Deaths
 - Strokes: 280,000
 - Auto accidents: 46,000
 - Murder: 16,000
 - Job-related: 6,000
 - Domestic terror: 3,000 (max)
- How worried should we be?
 - Why focus on this "problem" as opposed to other causes of American deaths?
- How much should the government do to lower the risk of a terrorist strike?
 - Compared to other death risks?

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U.S. Government Response

- Investigative Commissions
- Government Reorganization
 - Dept. of Homeland Security
 - Intelligence & law enforcement reorganization
 - FBI
- War on Terror
 - War in Afghanistan
 - War in Iraq
 - Global coordination with other countries
 - Terrorist cells
 - Finances
- Laws
 - Patriot Act
- Homeland Security measures
 - Airport screening
- New Spending on Homeland Security
 - Financing “first responders”

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U.S. Patriot Act: Security from Terrorism

- Loosens restrictions/judicial oversight on surveillance
- “Sneak & Peek” searches
- Removes certain constitutional and legal protections for non-citizens
- New crimes related to assisting terrorists
- New powers for government tracking of financial dealings
- New powers for government electronic surveillance

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U.S. Patriot Act Safeguards

- Sunset Clause
 - Act expires December 2005
- Actionable claims against US government for abuses of law by federal officials
- DOJ Inspector General designates official to accept civil rights violations complaints

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Most public policy solutions involve *tradeoffs* with other policies

- Competition for resources
 - increased homeland security spending v. national health insurance v. better highway safety
- Competition for government attention
 - Homeland security v. War in Iraq v. war in Afghanistan v. trouble with N. Korea/Iran
- Direct clashes of policy effects and values
 - Increased security from domestic terrorism v. gun owner rights
 - Cargo control v. free trade
 - Security v. liberty

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Are we trading off too much liberty for too little gain in security?

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Who's Concerned?

- | | |
|------------------------|---------------------------|
| • Security | • Civil Liberties |
| – Government officials | – Government officials |
| – Government agencies | – Civil Liberties groups |
| • Federal | – Librarian groups |
| • State | – Lawyers groups |
| • local | – Conservative groups |
| – Business groups | – Electronic media groups |
| – Public | – Business groups |
| | – Public? |

■ What are their interests in policy? How do they affect it?

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Liberty (negative)

- *Freedom from government interference in personal choice & action*
 - an attribute of individuals
- only exception is when individual action would cause harm to others.
 - → direct tradeoff between others' & your liberty – and vice versa

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Forms of Harm that Might require Limiting Liberty

- Physical
 - National security threats
 - criminal laws on violence, abuse, etc.
 - laws on suicide
 - public health & safety laws
 - environmental laws
- Amenities
 - some zoning laws – view protection
 - some land use laws – historic preservation
- Psychological, emotional, & spiritual
 - prohibition on school prayers
 - "blue" laws
- Material [property & income damage]
 - zoning laws
 - auto insurance laws
 - Business/consumer fraud

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Security v. Liberty & Civil Rights: Are there Conflicts?

- Basic Civil Liberties for Americans
 - Privacy rights
 - Due process
- Basic Civil Liberties for foreigners in the US
 - Ease of entry into the U.S.
 - Student visa
 - Due process
- Academic Freedom
 - Right to express opinions
 - Foreign faculty, researchers, and students

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Security v. Liberty & Civil Rights: Are there Conflicts?

- Self-Censorship of Scientific publications
 - Biological research
- Government withdrawal of environmental hazard information, water release information, etc.
 - TRI sites/right-to-know laws v. security
 - USACE dam operations
- Protest, Opposition, v. Sedition
 - Environmental activism & animal rights as eco-terrorism
 - intentional damage to property by someone trying to influence public opinion on environmental issues
 - expressing views that promote animal rights
 - engaging in activities that harm ordinary business practices "... for the primary purpose of expressing a perspective on an environmental or natural resource issue."
 - Should this be a felony?

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Where is the public?



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END

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