What Price Homeland Security?

Civil Liberties

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

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?
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
  - Airline screening
- New Spending on Homeland Security
  - Financing “first responders”

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

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
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

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

Who’s Concerned?

• Security
  – Government officials
  – Government agencies
    • Federal
    • State
    • local
  – Business groups
  – Public

• Civil Liberties
  – Government officials
  – Civil Liberties groups
  – Librarian groups
  – Lawyers groups
  – Conservative groups
  – Electronic media groups
  – Business groups
  – Public?

What are their interests in policy? How do they affect it?
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.
  - \( \Rightarrow \) direct tradeoff between others' & your liberty – and vice versa

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

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
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?

Where is the public?

END