

Security vs. Liberty?

“Can We Be Secure and Free?” by Thomas F. Powers, in *The Public Interest* (Spring 2003), 1112 16th St., N.W., Ste. 140, Washington, D.C. 20036.

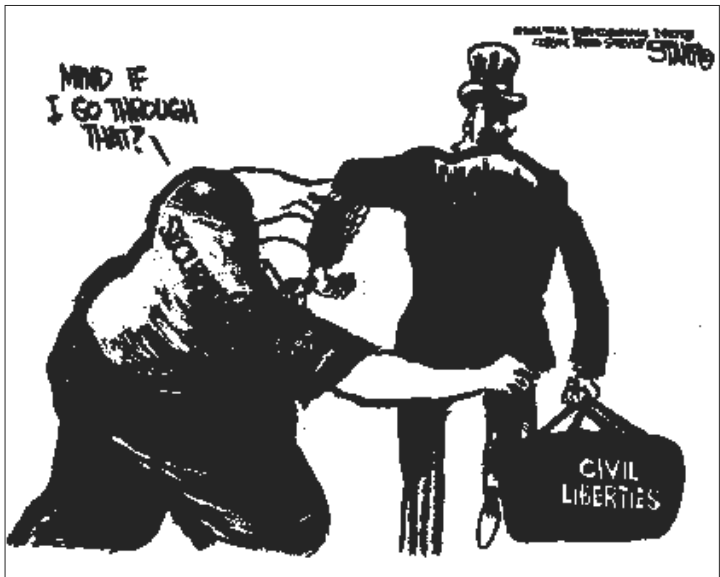
The expansion of police powers in America since the terrorist attacks of September 11, 2001, has civil libertarians crying out about the loss of liberty—and conservatives invoking the need for security. But the debate has been wrongly framed and is needlessly divisive, argues Powers, a political scientist at the University of Minnesota, Duluth.

The American Civil Liberties Union and kindred groups have strongly criticized the Bush administration on a number of points including “extraordinary detention, the civil rights of noncitizens, government secrecy, and the treatment of terrorist captives outside the United States.” But most of the controversy has been about “due process” issues, Powers says. The biggest concern of civil liberties advocates is that the 2001 USA Patriot Act and other measures have made it easier for government agencies “to conduct surveillance, use wiretaps and searches, obtain access to personal records, and track and question designated groups,” such as Arab and Muslim non-citizens.

Change in these areas was inevitable, Powers writes. Terrorism, by bringing war to American soil, and by requiring local police forces to join the military in what amounts to war fighting, requires fresh thinking about civil liberties. But by pitting liberty and security against each other, Powers contends, “the current debate has exaggerated disagreement and launched a dialectic of mutual recrimination and mistrust, now elevated to the

level of ‘constitutional’ conflict.” The result is “a pointless game of blame-casting that reawakens the old partisan divisions of the Vietnam era.”

“Liberty” is not threatened only by abuses of the police and other state agents, and “security” is not threatened only by criminals and external enemies, Powers points out. As James Madison, John Locke, and Montesquieu understood, liberty and security are bound up together. “Every threat, from whatever source, is as much a threat to our liberty as it is to our securi-



ty.” To assume a basic conflict between the two is “to misunderstand the essential logic of liberal politics,” says Powers. “In a liberal republic, liberty presupposes security; the point of security is liberty.”

The current debate should be recast around the need to balance “one threat to liberty against other threats to liberty, one threat to security against other threats to security,” he says. That would not make the difficult choices involved easier, but “it would permit us to make them more clearly and without fearing that we are being either unprincipled or softheaded.”