

The Decline in Civil Liberties

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On a flight from Chicago to Washington, D.C., in 1981, I sat beside a U.S. foreign service officer who had just finished a stint in Moscow. He told me that although he had enjoyed the job, he needed to get his family back to America because he wanted his children to grow up understanding what it was like to live in a free country. His children were only aged five and seven. "In what ways would your children have even known they were not living in a free society?" I asked. He answered: "They noticed that when we traveled, we, and those around us, had to show an ID to a government official. You couldn't travel freely."

Although he probably doesn't remember that conversation, I wonder if he remembers the thoughts that caused him to return to the United States. The reason I wonder is that Americans are no longer free to travel by commercial air without showing a government official a government-issued ID. So the freedom that he sought in the United States no longer exists. In an important way, the United States has become Sovietized.

Now before you conclude, "Henderson is off his rocker; he can't tell the difference between the USA and the USSR," let me say that I do understand the difference. Governments in the United States don't oppress us nearly as much as the Soviet government oppressed its citizens. On a scale of oppression where 1 is the least and 10 is the most, the USSR was a 9 or 10 and the United States is, say, a 3. But in 1981, when I took that flight, it was about a 2. Name the civil liberty, and chances are it has declined over that period.

Consider a basic freedom-of-speech issue, the right to organize and petition the government. In parts of the United States that right is under assault. When two or more people in Colorado, for example, join to speak out about a political issue and spend more than \$200 to do so, they must register with the state and report all their contributions, even if only in kind, and expenditures. They must also disclose the identities of anyone who contributed money. Better-organized political activists have used this law as a club to go after their political opponents. In 2006, for example, the supporters of annexing the town of Parker

North to the town of Parker filed a campaign-finance complaint against the six most vocal opponents and threatened to go after anyone else with a yard sign opposing annexation. Similar legal assaults have occurred against opponents of increased gasoline taxes in Washington state.

Or consider the drug laws. In the 1970s, when police raided a home for drugs, they often knocked on the door and waited for someone to answer. Then they entered and looked for drugs. Today, it's much more common for them to show up in heavily armed and armored SWAT teams, ready to shoot if anyone in the house makes a false move. Reason writer Radley Balko has written often about the outrages of the drug war. In a May 2010 Reason article, he writes: "I've been writing about and researching these raids for about five years, including raids that claimed the lives of innocent children, grandmothers, college students, and bystanders. Innocent families have been terrorized by cops who raided on bad information, or who raided the wrong home due to some careless mistake."

Enforcement Victims

Fortunately, such incidents are still relatively rare, but that they happen at all is intolerable. Enforcing the drug laws requires such raids because the violators are people engaged in mutually beneficial exchange. In murder or burglary there is clearly a victim, or a victim's friend or relative, who objects to the crime and therefore has an incentive to report the crime to the police. But when illegal drugs are bought or sold, there is no victim. Whatever the wisdom or folly of exchanging illegal drugs, those who do so believe they benefit. Otherwise, they wouldn't do it. So one way to catch people who trade in illegal drugs is to surprise them by invading their homes.

The drug laws have also led to other violations of people's civil and economic freedom. When President Ronald Reagan stepped up the drug war, he started requiring people making purchases with \$10,000 or more in cash to fill out a federal form. The government also seizes property that police suspect has been used or earned in the sale of drugs and has carved out an exemption to the Constitution's prohibition on illegal search.

It's not as if we get a big benefit from enforcement of the drug laws. Just as the prohibition of alcohol helped create criminal gangs, so does the prohibition of drugs. The nice thing about freedom is that it allows people to either use or avoid using the drug(s) of their choice. And among the tragedies of the drug war are the consequences it imposes on innocent people caught in the crossfire.

As for government restrictions on our freedom to travel by airline, the simple fact is that commercial airlines, even with the risk of terrorism, are by far the safest way to travel. According to Michael Sivak and Michael Flannagan in an article in *American Scientist*, your chance of being killed in one nonstop airline flight, even with the increased threat from terrorist attacks, is about one in 13 million. To reach that same level of risk when driving on rural interstate highways, which are America's safest roads, you need travel only 11.2 miles. In other words, you are in about as much danger driving to the airport as in flying from the airport.

Reduced Safety

Why is driving relevant? Because when the government invades our privacy, as it systematically does when we fly, it causes some, especially those who would have traveled less than 500 miles each way, to travel by car instead. What is the unintended, but totally predictable, consequence of this loss of freedom whose stated goal was to make us safer? Less safety. Adding to the irony is the fact that since 9/11, passengers have been quite good at restraining those terrorists who try to blow up airlines. When Richard Reid, the shoe bomber, tried to blow up a flight, passengers restrained him. Ditto with Umar Farouk Abdulmutallab, the underpants bomber on the Christmas 2009 flight heading into Detroit.

Fortunately, there's some good news, both here and in Great Britain. The Real ID Act, which Congress passed in 2005, requires drivers' licenses and other state government-issued identification cards to conform to tight federal standards. Many state governments, in a fit of federalism, have said no. That part of the Real ID Act looks to be really dead. And in Britain in May the newly formed coalition government announced that it would scrap a similar plan.

Let's not stop there. Let's be able to say, like the Southwest Airlines ads, "You are now free to move about the country."