

# **MORE SAFE, LESS FREE: A SHORT HISTORY OF WARTIME CIVIL LIBERTIES**

**by Ira Glasser**

In 1787, during one of the debates over the new Constitution, Alexander Hamilton worried that the loss of liberty would always be a consequence of war and the fear of war, regardless of constitutional guarantees. He predicted that the new Constitution would be ignored under such circumstances and that America would "resort for repose and security to institutions which have a tendency to destroy their civil and political rights. To be more safe, they, at length, become willing to run the risk of being less free."

Today, 215 years later, Hamilton's warning, and the question it posed, seems startlingly contemporary. After September 11, that question is on everyone's lips and in everyone's mind: In order to be more safe, do we need to be less free?

When we evaluate that question, we naturally tend to focus on current details: Do we need military tribunals, which even in their amended form, everyone concedes are procedurally less fair than civilian trials and even less fair than military courts-martial; do we need to give the government expanded wiretapping and email surveillance powers; do we need to put video cameras in public places and transform George Orwell's nightmare vision into a practical necessity; do we need to target people of Arab descent or Muslim beliefs for special surveillance, special questioning, special detention; do we need to detain people for indefinite periods of time, without revealing their names or the charges against them; do we need to restrict immigration and deport aliens already here, especially those of Arab origins; do we need to restrict the right of appeal from such deportation orders; and do we need to expand the legal jurisdiction of the CIA to watch American citizens? These sorts of questions, and others like them, are now on the table. How should they be answered?

Before considering these questions and getting into specific details and their pros and cons, it is useful, perhaps critically so, to step back and put these current questions and our current feelings, fears, and anxieties into the context of history. We need to look at other periods in our history when war and the fear of war produced similar questions. And we need to look at how those questions were answered, and how those answers turned out.

When we do look at history, we learn a number of lessons:

1. During periods of war, or the fear of war, all governments, including democratic governments and including governments apparently devoted and committed to liberty and individual rights, use the fear that is abroad in the land as an opportunity to expand government power at the expense of rights and to suppress dissent from whatever policies they want to pursue. The government answers the crucial question clearly and without ambivalence: Everything is now changed; we do indeed need to be less free in order to be more safe, for unless we are safe from the evil that threatens us, we shall lose all our freedoms. Every government, to one extent or another, makes that claim during wartime.

2. Most people, because they are afraid, go along. This includes most people who have always believed themselves to be supporters of individual rights. They hope

that the reductions in freedom will be minimal and that they will not endure beyond the perceived emergency. But they go along. Traditional freedoms seem "too extravagant to endure" when evil threatens. And most people, when they are afraid, will not take a chance on freedom.

3. The question at times like this is not whether the underlying fear is legitimate. Sometimes it isn't, and often it may be exaggerated. But on many occasions the fear is legitimate. It was certainly legitimate on December 8, 1941, the day after Pearl Harbor. It was certainly legitimate during periods of the Cold War, when we were locked in an adversarial relationship with another aggressive nuclear power. And it was certainly legitimate on September 12, 2001, a day after the World Trade Center bombing. And those fears remain legitimate today. So the difficult question isn't whether the fear is legitimate; it's whether the remedies proposed to deal with those fears are necessary, whether they will work, and whether the government has selected the right targets. This last question is especially important in light of our history.

A key question today is whether the targets of government action are in fact sources of danger or whether our fears have been displaced from those we cannot easily identify, find, or control—Bin Laden, wherever he is, or unknown terrorists lurking (where?)—to those we can easily identify and find, e.g., Americans and legal immigrants of Arab descent. Our history shows that at times like this, our fears, and measures adopted by the government to address those fears, often find the wrong targets. By attacking those targets, we are made to feel safe without being safe.

The history of this phenomenon is important to explore because the argument for giving up some of our freedoms rests upon the assumption that we need to do so in order to be safe. But if that assumption is false, or highly unlikely to be true, if in fact measures that reduce our freedoms do not make us safe, then there is no trade-off.

So before evaluating the current answers to the questions raised at the outset, let's take a brief look at our history.

We begin shortly after Alexander Hamilton's warning, delivered in 1787, during the debate about the new Constitution. Scarcely more than a decade later, when virtually all of the principals in that debate were still alive, most of them in positions of influence, and only seven years after the Bill of Rights was ratified and added to the Constitution to help insure rights against the tendency Hamilton identified, the fear of war hung over the new republic like an ominous cloud.

War with France seemed imminent. And there were many French refugees in the United States. Very quickly, they became feared as a potentially subversive and traitorous element. John Adams, who before the Revolution had been a rock of libertarian thought, was then president. He encouraged this fear and even opposed the visit of a group of French scientists, calling them "incompatible with the social order." Encouraged by the government, war hysteria mounted, national origin became a proxy for real evidence of criminality or espionage, and the French became targets of fear and hate. Undeterred by the Bill of Rights, Congress quickly passed four laws which collectively came to be known as the Alien and Sedition Acts.

Three of the four new laws targeted aliens: one increased the residence requirement from five to fourteen years before an alien could be considered for citizenship; another authorized the president to deport aliens thought to be dangerous; the third authorized incarceration and banishment of aliens during wartime. (Is this beginning to sound familiar?)

There was, of course, significant dissent over these policies, which swiftly became characterized by the administration and its allies as treasonous and unpatriotic. And thus came the fourth law: the first federal sedition act ever passed by Congress. It was aimed at "domestic traitors/" by which was meant anyone who criticized the government. The Sedition Act made it a crime, punishable by both a fine and imprisonment, to publish "false, scandalous, and malicious" criticism of the government, Congress, or the president with the intent to heap contempt upon them or damage their reputations. All this within seven years of the passage of the First Amendment.

The Alien and Sedition Acts were justified primarily by the need to assure the fledgling republic's safety against a foreign threat and its ethnic agents in the United States. The threat seemed real enough, the fear was widely shared, and the trade-off between rights and safety seemed persuasive even to a generation that had fought a revolution and established the new nation "to secure the blessings of liberty."

But as it turned out, the Alien and Sedition Acts identified no traitors and made no Americans safer. To the contrary, American citizens and their rights were the only casualties. The war with France never came, and the fear of the French subsided. No alien was ever deported or incarcerated, and a few years later the expanded durational residence requirement for citizenship reverted to five years. But the Sedition Act was widely enforced against American citizens, all of them Republicans (members of Thomas Jefferson's party) and political opponents of President Adams and his administration's policies. The trade-off between safety and freedom had been struck, but the targets consisted entirely of loyal Americans who had criticized Adams and his policies. Editors (including the grandson of Benjamin Franklin), scientists, pamphleteers, and even one member of Congress were arrested, tried, and convicted; all were fined and imprisoned; one, Franklin's grandson Benjamin Bache, died in jail. No one was made safer by these prosecutions, because the targets posed no danger to public safety.

Nearly 120 years later, history repeated itself. World War I was fast approaching, and America seemed headed into it. When the United States did enter the war, opposition, while not as broad as the opposition to the Vietnam War during the 1960s, was nonetheless intense, and led to a substantial amount of political protest and unrest. And just as the fear of war with France had in 1798 led to the nation's first federal sedition act, so now, for the first time since 1798, Congress passed another sedition law, aimed at suppressing dissent and protest. Congress had already passed the Espionage Act in 1917, only nine weeks after declaring war against Germany. And just as fear of French agents had served as the pretext in 1798 for the prosecution and imprisonment of domestic critics, so in 1917, fear of German agents led to the same result.

As the war went on, popular support for it grew, and tolerance for dissent diminished. President Woodrow Wilson had requested Congress give him the explicit power to censor the press, and had been rejected. But the Espionage Act was worded broadly enough to permit the government to prosecute people for nothing more than critical opinions strongly expressed. Over two thousand prosecutions were brought under

the Espionage Act, and more than a thousand resulted in convictions, almost all of them for expressing criticism of the war. State laws mimicked the federal intolerance for dissent, and additional prosecutions were brought under state laws. One man was sentenced to prison for reading the Declaration of Independence in public. A minister was sentenced to fifteen years for saying that the war was unChristian. A newspaper editor was convicted for questioning the constitutionality of the draft and charging that Wall Street interests had dragged us into the war. And the labor leader Eugene V. Debs was imprisoned for denouncing the war as a capitalist plot. Although these criticisms and opinions were harshly expressed, often with invective, they were no different in that respect from the rhetoric of American colonists or from Republican editors in 1798 or from Democratic critics of Lincoln's policies during the Civil War.

A year after the Espionage Act was passed, the Sedition Act became law. This new law left nothing to chance, and did not require the interpretation of critical words as espionage. Under the 1918 Sedition Act, it became a crime to print, speak, write, or publish any words that heaped contempt or scorn upon government or used scurrilous or abusive language to damage the reputation of the government or to disparage its military uniforms. The penalties for violating this law were not trivial: twenty years in prison and a \$10,000 fine for each separate offense.

The Sedition Act was harshly enforced and thus almost completely suffocated criticism of the war. But not a single traitor was found. No spies were convicted, or even indicted. The targets of the Espionage and Sedition Acts were critics, political dissenters, pacifists, labor radicals, and immigrants, often of Italian or German or Russian descent. Although the government claimed that those indicted were dangerous, and much of the public felt safer as a result, no one was made safer by their prosecution and imprisonment. There was no trade-off between safety and liberty. Only liberty suffered.

On December 7, 1941, Japan attacked Pearl Harbor, provoking the United States' entrance into World War II and stoking fear throughout the country and especially on its West Coast, which many felt was vulnerable to Japanese attack and even invasion. In fact, according to army estimates at the time, "there was no real threat of a Japanese invasion." But there were a large number of people of Japanese ancestry living in California, Oregon, and Washington. And although they never exceeded more than one percent of the West Coast population, prejudice against Americans of Japanese descent was widespread, especially in California. Fear for domestic security soon led to pressure to "relocate" these Americans. Certainly, the fear of Japan was legitimate. But whether any Americans were made safer by targeting Japanese-Americans was, at best, doubtful. Yet before the hysteria was spent, American public officials, including liberals like then-governor of California Earl Warren and, of course, President Roosevelt, initiated, endorsed, and implemented what in retrospect was the single worst governmental act of racism in our history with the exception of slavery itself.

In the beginning, no one in the national government seriously suggested that anyone be moved. In Hawaii, which actually had been attacked and was much closer to the Pacific war zone, one-third of the population was of Japanese ancestry, yet no one ever proposed evacuating them. On the West Coast, however, the tiny Japanese-American community came to be seen as a threat. On February 19, 1942, President Roosevelt signed an executive order authorizing the military to exclude anyone they

wanted from any area in the United States if, in the military's judgment, it was necessary to protect against espionage and sabotage.

In a country gripped by fear, it sounded like a reasonable measure to almost all Americans. But the order allowed the military to proceed without any actual evidence of espionage or sabotage against anyone. One month later, Congress passed a law—without a single dissenting vote—making it a federal crime for anyone subject to the order to refuse to "relocate." And although the executive order on its face applied to any American, in practice it was used exclusively against American citizens of Japanese origin.

The new law first subjected everyone of Japanese descent to a curfew: people were not allowed to leave their homes between 8:00 p.m. and 6:00 a.m., and even in non-curfew hours they were barred from moving outside a five-mile radius of their homes or places of work. Ultimately, they were forced into camps, and the idea of "resettlement" yielded to the reality of detention, under a harsh regime of barbed wire and armed guards that made no adequate provisions for family or personal privacy. By October 30, 1942, 112,000 people, mostly American citizens, were confined in ten camps scattered from the California desert to the swamps of Arkansas. Not one of the 112,000 was ever charged with any crime, nor individually accused of espionage or sabotage. No evidence was ever alleged; no hearings held. People were rounded up and detained, their homes and businesses stolen for the duration of the war solely on the basis of their skin color and their national origin. Everything was justified on the basis of safety and security, but no evidence was presented to support those claims. And nearly all Americans accepted this, looked the other way, and felt safer because they were afraid. What the government was doing seemed reasonable to them under the circumstances.

Forty years later, government documents were revealed that showed the government had knowingly lied to the Supreme Court in claiming that the evacuations were militarily necessary. Even President Reagan in 1988 called the detention an act of "war hysteria and racism." But that was forty-six years too late. Liberty matters when liberty is denied. And when liberty was denied in 1942, no American was made safer, because the targets of the detention posed no threat to public safety.

Seven years later, in 1949, fear of the Soviet Union was rampant in America. Only a year before, the Soviet Union had blockaded Berlin and overthrown the parliamentary government of Czechoslovakia. The United States was locked in a growing struggle with its former World War II ally, and the Cold War was underway. The fear of the Soviet Union may have been legitimate, but that fear swept over the land too broadly and resulted in the persecution and in some cases imprisonment of people who had committed no crime and posed no danger to public safety.

Eugene Dennis was an early victim. Dennis was an official of the American Communist Party, and in the America of the late '40s that was enough. He was indicted and convicted under the Smith Act, which had been passed in 1940 and which made it a crime to belong to any organization that taught the desirability of revolution. Just as the fear of war with France led to the suppression of dissent at home in 1798 and just as the fear of espionage led to the suppression of dissent in 1917—as if dissent and criticism of the government were the equivalent of espionage—so now mere membership in the Communist Party was equated with a conspiracy to overthrow the government by force

and violence. No specific conspiracy was ever alleged. No plan to commit any crime was ever uncovered.

The U.S. Supreme Court, which only a few years earlier had upheld the detention of Japanese-Americans, upheld Dennis's conviction with only two dissenting Justices: Hugo Black and William O. Douglas. Black pointed out in his dissent that Dennis had never been charged with an attempt to overthrow the government, nor with any overt acts designed to overthrow the government, nor even with saying or writing anything specifically advocating the overthrow of the government.

Douglas picked up Black's theme. If Dennis had been teaching techniques of sabotage, planning the assassination of government officials, or plotting to sabotage or to plant bombs, that would be one thing. But all Dennis did, Douglas pointed out, was organize people to teach Marxist-Leninist doctrine as set forth in four books that were not outlawed and could be freely published, bought, and read. If such books are not outlawed, and can remain on library shelves, Douglas asked, "by what reasoning does their use in a classroom become a crime?" There was no good answer to this question. Fear overcame both logic and liberty, and people were once again sent to prison for their political beliefs. No one was made safer by the imprisonment of Eugene Dennis. Only liberty was lost.

After the Supreme Court upheld Dennis's conviction, many more such conspiracy prosecutions were brought between 1951 and 1956, and convictions were obtained in every case. Senator Joe McCarthy and the House Un-American Activities Committee, together with J. Edgar Hoover's FBI, launched a reign of terror against political beliefs and associations that was justified by claims of national security and the need to protect Americans against the Communist threat. Loyalty oaths proliferated, blacklists were circulated, and many people lost their jobs. Although there may have been a need to protect ourselves against the Soviet Union, no one was made safer by targeting people on the basis of their political beliefs and associations, and against whom no evidence of actual criminality was ever produced or even alleged. Once again, rights were lost in a claimed trade-off for enhanced safety, but there was no such trade-off, because the targets presented no danger. Most Americans went along, some enthusiastically, and felt safer because of it. But safety was not gained; only liberty was lost.

In 1957, after most of the damage had been done, the Supreme Court in effect conceded its mistake and reversed fourteen Dennis-type convictions in a single decision. By that time, the Cold War hysteria had substantially subsided and its leaders like Senator McCarthy had been discredited. The 1957 decision effectively ended the use of the Smith Act to suppress unpopular political beliefs and associations. But by then 141 people had been indicted, and 29 went to prison. Not one was ever charged with a crime other than their association with Communist ideas.

When people are afraid, particularly when the fear is legitimate and based on actual dangers, they are especially vulnerable to government measures that appear to provide safety and protection at the cost of rights. This is markedly true when the measures are aimed at targets, which for political, religious, or racial reasons, describe populations that we already fear, or against whom we harbor prejudice. The more different they are from us, the easier it is to project our fears upon them and justify what the government proposes to do. Years later, the mistake is recognized, and everyone regrets the violation of rights that occurred. We look back upon that time and wonder

how it could have happened. And then, when there are fresh reasons to be afraid, we do it again.

Often, in looking back upon these incidents, we focus on the rights of innocent people that were violated. We look back at 1942 and focus on the Japanese-Americans who lost so much. But what happened to our Japanese-American citizens was also a fraud perpetuated on all Americans. It was a fraud because we were told we were being made safe when we were not. It was a fraud because at a time of genuine national peril, the government spent a huge amount of time, energy, and money on going after the wrong people. When government targets people based on skin color or national origin or religion or political beliefs and associations instead of evidence, it inevitably ends up neglecting actual criminal behavior. And that makes us less safe, as well as less free.

Consider this example from the field of ordinary criminal law. In the mid-1960s, there was an especially gruesome murder that took place in New York City. Two young women—Emily Hoffert and Janice Wylie—were found murdered, nude, and bound together in their apartment. The double homicide rightly terrorized the entire city, and especially those people who lived in the neighborhood. People were afraid, and they had good reason to be afraid. The police were under pressure to find the killer, and in a very short time they did. They announced that they had arrested a young black man named George Whitmore and obtained an exceptionally detailed and lengthy confession. The papers printed these claims, and everyone breathed a sigh of relief and felt safe: The monster had been apprehended and no longer posed a danger to us.

But many months later—perhaps a year and a half, if memory serves—another individual arrested for a different crime was found to have been the one who murdered the two women. Whitmore was innocent. He had been subjected to oppressive and relentless "questioning" in the back room of a police station without benefit of a lawyer for a very long time, and his confession had been coerced; in fact, it had been written by police officers and, finally, signed by a weary and frightened Whitmore. This was before the Supreme Court's Miranda decision and the Miranda warning requirement that millions of viewers of television police dramas now know by heart. In fact, the Whitmore case was one of the predecessor cases to Miranda, ultimately forcing review of the inquisitorial "questioning" that in those years was routine.

Whenever the Whitmore case is discussed, the emphasis is always on what happened to George Whitmore: how his rights were violated, how skin-color prejudice drove the police to believe in his guilt and coerce his confession, how unfair it was for him to have had to undergo that ordeal, and the time in jail he unjustly spent. All of that is true. But it has always seemed to me that what happened to George Whitmore was not only an offense against him; it was also an offense against us. Because while we were told that the murderer was in custody, and that we were safe, the real murderer was still out there—still posed a danger—and no one was looking for him. No one is made safer when innocent people are arrested; when innocent people are targeted and arrested and imprisoned, guilty people remain free. When irrelevant considerations like race or religion or national origin or political beliefs become proxies for evidence, we are all less safe. When the police practice that led to George Whitmore's confession was criticized by civil rights advocates, the police defended what they did by citing the need to protect citizens from homicidal criminals. The rights of the accused were thus balanced against and traded for the safety of the rest of us. But in fact, there was no such trade, no such

balance. We were made less safe, not more safe, because of what happened to George Whitmore, and that is why the trade-off posed by the government was fraudulent: In the Whitmore case, rights were lost and safety was compromised. We allowed the violation of his rights because it made us feel safer, but we were actually made less safe by what was done to George Whitmore.

I am reminded in these instances of the old joke about the man arriving home very late one night who comes across another man crawling around on his hands and knees under a lamppost. The man under the lamppost is drunk, and appears to be looking for something. The first man stops and offers help. "What are you doing?" he asks. "I'm looking for my keys," says the drunk. "I'll help," says the -nan, "where did you lose them?" "Six or seven blocks from here," answers the drunk. "Then why are you looking here?" says the first man. "Because the light is better here," responds the drunk.

And that's what the police did in the Whitmore case. They didn't look where the murderer was, they looked where the light was better, and it is always easier to see a black man when a crime is committed and there is no easily available evidence. Round up the usual suspects" means looking under the lamppost when the real criminal is somewhere else. No one is made safer by that sort of police work.

They were looking under the lamppost in 1798, when they went after people of French descent and those who criticized government policies, as if they represented a real danger, when they did not.

They were looking under the lamppost in 1917, when they arrested and imprisoned people like Eugene Debs for criticizing the government's war policies, as if they were treasonous, when they were not.

They were looking under the lamppost in 1942, when they sent 112,000 innocent Japanese-Americans to detention camps, as if they were saboteurs, when they were not. They were looking under the lamppost in 1949, when they sent Eugene Dennis to prison for encouraging people to read certain books, as if that were the equivalent of plotting crimes, when it was not.

Today we are being told that we need video surveillance on public streets, and that the loss of privacy will be more than balanced by the gain in national security. But in London, where a comprehensive system of such cameras was installed a few years ago explicitly to protect against terrorists, no terrorists have been apprehended. In some boroughs, the cameras haven't resulted in a single arrest in three years; in others, the arrests are for petty crimes that would never have justified such a massive surveillance system in the first place. What has happened is that ordinary citizens, innocent of any wrongdoing, are now watched all the time.

Today we are told we need to give the government expanded authority to wiretap our phones and our email. But the problem prior to September 11 was not the lack of legal authority to wiretap, but the fact that the government had no idea whom to tap. Like the cameras in London, expanded wiretap powers are justified by the need to apprehend terrorists, but there is no good reason to believe that apprehension would occur if such powers were granted; more likely other people, including many innocent people, would be spied upon instead. Most new authority to eavesdrop will be used against American citizens, not foreign terrorists. Moreover, it is likely to be used, as in the past, against the wrong people, based on their politics or their religion or their ethnicity. To the extent that

it is used to uncover crime, they are likely to be petty crimes, not serious ones. That is the documented history of wiretapping in America.

In addition, expanding the authority of the government to collect more and more information with less and less relevance to actual criminal evidence inhibits the government's ability to find the criminal evidence. When the haystack gets too large, the needles become harder to find. As every recent official study of American intelligence-gathering has concluded, for years intelligence agencies have collected far more information than they can analyze in depth. That may be one reason the terrorists were able to achieve what they did on September 11. Thomas Powers, whose studies of American intelligence are well-respected, even by veterans of the CIA, says that current proposals to add email to telephone and cable taps are problematic. "They are now proposing," he says, "to add email communications in God knows how many difficult languages to the [already existing] cubic acres of untranslated, unread, unanalyzed, unabsorbed information ... The request for broader powers is the excuse of first resort of anyone who's failed at national security or law-enforcement tasks. This notion—that if we could only read every email message in the universe, that no one could cause us trouble—is a big mistake." In other words, the government's claim that violating our privacy and intercepting all our communications is worth it because it will make us safe is a fraudulent claim. It will make us less safe. Too much of the wrong information makes it easier for the information we need to remain hidden and obscured by irrelevant volume; we begin to want to look under all lampposts, when the keys are not under any lamppost. Focusing on race or politics or national origin instead of evidence means not only that rights will be violated, but that real evidence will go undiscovered. We will be less free, and less safe.

That is also what is wrong with the government's program to interview—and in some cases detain—Americans of Arab descent and Muslims, as if those

characteristics were proxies for criminal evidence. Interviewing five thousand people based on national origin is like imprisoning the Japanese-Americans: The time and energy spent on innocent people not only violates their rights, it diverts the FBI from investigations based on evidence. The rationale, which appeals to many Americans, is that since the WTC bombers were Muslims of Arab origins, the investigation of terrorism ought logically to begin with American Muslims of Arab origins. That is the very same logic that led to the Japanese-American internment. It is the same logic that leads the Drug Enforcement Agency and countless state troopers trained by them to pull over cars driven by black drivers to search for drugs. As one state trooper said in defending that practice, most drug dealers are black or Latino, so it makes sense to pull cars over driven by blacks or Latinos. But even assuming he was right that most drug dealers are black and Latino, it does not follow that most blacks and Latinos are drug dealers. Most NBA basketball players are black, but most blacks are not NBA basketball players. Most American jazz musicians are black, but most blacks are not jazz musicians. And if you wanted to find a good jazz band, you wouldn't begin by rounding up random blacks. Nor would you draft an NBA team that way. Yet that is exactly what the government is doing when it targets Arab-Americans for questioning: Being Arab-American is not a likely link to evidence of information about terrorist crimes any more than being opposed to abortion is evidence of bombing abortion clinics. And the racist nature of what Attorney

General John Ashcroft is doing is revealed by the fact that he never suggested pursuing abortion-clinic terrorists by questioning everyone opposed to abortion.

The dangers we face from people who are willing to kill themselves in order to terrorize us are clear after September 11. Those dangers are real. But the targets of many of the government's actions and proposals are not connected to those dangers by any evidence. Rather, our fears are being manipulated, as they have been in past crises, to gain support for measures that violate rights without providing safety; indeed, in some cases, safety is compromised. We are looking under lampposts again, but the keys we seek aren't there. We may be led to feel safe, and therefore be willing, as Alexander Hamilton predicted 215 years ago, to relinquish our rights, but feeling safe is not the same as being safe, as our history repeatedly teaches us.

No one is made safer when we arrest, detain, or spy on the wrong people. When the innocent are arrested, the guilty remain free. When the innocent are investigated, the guilty remain hidden. And when rights are violated in the name of safety, most often we lose both our rights and our safety. We need only to look to our own history to read this cautionary tale.

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