

September 2005

# NOTES from FEE

Inaugurated by Leonard E. Read in 1952



THE FOUNDATION FOR  
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## Trusting the Government: A Two-Way Street

Bob Barr

U.S. Congress, 1995–2003

*The following is abridged from a speech delivered at "Evenings at FEE" in July 2005.*

I am delighted and tremendously honored to speak at the Foundation for Economic Education. I love your magazine, *The Freeman: Ideas on Liberty!*

I have spent the last three days in meetings at the United Nations. The reason I was there relates to my work as a member of the Board of the National Rifle Association (NRA). Part of the UN's long-term agenda is to outlaw civilian ownership of firearms in all member countries. This week was one of a series of meetings to move that agenda forward. It is useful to know your enemy, so we can head them off—but believe me, it was pure torture!

The UN touts itself as a great defender of liberty, but in fact UN bureaucrats would not recognize liberty even if they tripped over it. FEE's Freedom University students, with us tonight, understand and respect freedom more than anybody at the UN. That's because FEE is truly devoted to teaching the freedom philosophy and enlightening people about the myriad ways our freedoms are being taken away.

It is the loss of freedom in America that I wish to address this evening.

### In Defense of Liberty

The Founding Fathers started with an important premise: we, the American people, are responsible citizens and are entitled to information about what our



Former Congressman **Bob Barr** is an outspoken defender of individual liberty and constitutional rights. He was dubbed "Mr. Privacy" by columnist William Safire in recognition of his efforts to protect the civil liberties of all Americans. Appointed by President Reagan to serve as the United States Attorney for the Northern District of Georgia (1986–90), Mr. Barr was elected to the U.S. Congress in 1994. Since leaving the House two years ago, he has enjoyed popularity as a television commentator, writer, and lecturer. He also hosts a nationally syndicated radio show, "Bob Barr's Laws of the Universe."

government is doing, since the government has the power of coercion over our lives. It is precisely to secure individual liberty that our Constitution, backed by the Bill of Rights, limits and enumerates the powers of the federal government.

In the last century, however, the government has grown exponentially both in size and power while our constitutional rights keep eroding. The government continues with its time-worn phrase: "Trust us. We are here to protect you." But in the eyes of the state, trust has simply become a one-way street. We are to trust the government "to do the right thing," while the government demonstrates a profound lack of trust in us, the people. The state keeps collecting more and more information about us, while allowing less and less information about what it is doing to us. In other words, the age-old battle is being waged between the government's legitimate authority to defend our nation and its responsibility to protect those God-given rights that are spelled out in the Bill of Rights.

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*"A Bill of Rights is what the people are entitled to against every government on earth . . . and what no just government should refuse, or rest on inferences."*

—THOMAS JEFFERSON

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### The Fourth Amendment in Danger

The Fourth Amendment of our Constitution defines in essence the notion of privacy: "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or Affirmation, and particularly describing the place to be searched, and the persons or things to be seized."

What does it mean? It is very simple: the government cannot invade your privacy—your person, your home, your car, your business, and your papers—without a good reason. Of course there are going to be circumstances in which government can pierce that sphere of

privacy: a probable cause, a reasonable suspicion supported by the evidence of criminal activity in your home, your car, your business, and your papers. But this cannot be done arbitrarily, whenever they want to and for whatever reason.

The USA Patriot Act, passed by the Congress in the aftermath of the tragic 9/11 terrorist attacks, contains provisions in violation of the Fourth Amendment and the limitation on government power it represents. Unfortunately too many of our fellow law-abiding Americans think that it is not a matter of great concern to them. In reality, it should be a matter of great concern because it affects the liberties of all law-abiding citizens.

A provision appears in Section 213 of the Patriot Act, which is officially called “delayed notification.” People call it “sneak and peek” or “black bag” searches. Why? Because “delayed notification” gives the government power to conduct searches without informing you. Federal agents simply tell the judge, “It would jeopardize our case if we notified John Doe about searching his home.” Notice delayed; his constitutional right under the Fourth Amendment taken away.

Section 215 of the Patriot Act allows the government to go to a secret court called the Foreign Intelligence Surveillance Court and say to the judge, “We want to get some records on John Doe.” These may be details of his firearm purchases, medical history, or library and internet records. The judge may ask, “Do you have reason to believe that John Doe has violated any laws?” If no proof can be found, all the government has to say is: “Judge, you may sign this order. Under the Patriot Act we are no longer required to demonstrate usual ‘reasonable cause.’ All we have to show is that the information we want on John Doe is relevant to an ongoing anti-terrorism investigation.” The judge then has to sign the order. End of the matter.

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*“Government is not reason; it is not eloquence; it is force. Like fire, it is a dangerous servant and a fearful master.”*

—GEORGE WASHINGTON

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Those two sections of the Patriot Act just exemplify the problem. Many other provisions are also in clear violation of the Fourth Amendment. What highlights the dangers involved in granting the government such excessive power over privacy of American citizens, in the name of fighting terrorism, is the fact that the government has already used those new powers in all

sorts of different cases that have nothing to do with terrorism.

Similar expansion of government power happened before in American history. We saw it during the Civil War with the suspension of the writ of habeas corpus. We saw it in World War I with the unconstitutional deportation of resident aliens and naturalized American citizens. We saw it in World War II with the internment of Japanese Americans and seizure of their property. We saw it in the 1970s, when asset-forfeiture laws were used to arbitrarily confiscate money and property from individuals till the Supreme Court finally interfered. None of those actions made us any safer. Yet in every instance some of our freedoms were taken away and more power was given to the federal government.

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*“I believe there are more instances of the abridgment of the freedom of the people, by gradual and silent encroachments of those in power, than by violent and sudden usurpations.”*

—JAMES MADISON

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Our Founding Fathers crafted the constitutional language of the Fourth Amendment with a clear understanding that in the future there could be serious threats to the safety and security of the nation. After all, the new United States had just won independence in a war with Great Britain, the greatest military power of the time. Despite those great threats that our nation faced at the time, our Founding Fathers believed so strongly in freedom and wanted so dearly for it to succeed! If not for great leaders like George Washington, and the stamina of a small group of freedom-loving people in the late eighteenth century, our new country would have never been born and survived.

### Are We Safer?

Now, 218 years later, the federal government justifies the latest expansion of its intrusive powers by the danger America faces from modern terrorism. The threats posed by terrorist thugs are very real, and they can wreak havoc on our society.

But ask yourselves this question: does surrendering our private information make us safer?

- Are we safer because the government allows the military to arbitrarily gather unlimited information about each of us?
  - Are we safer because of a Secure Flight passenger prescreening program? Do you really feel safer
-

when so many of us cannot get on the plane because of some computer error?

- Are we safer because the Pentagon is in the process of developing massive databases of information on law-abiding citizens in this country? We Americans have always been suspicious of permitting the military to gather information on our own citizens or to be directly involved in domestic law enforcement. Americans have never wanted their country to be like so many others around the world, where the military have too active a hand in domestic affairs.

No, we are not safer. Mixing information in some colossal computer, scanning license plates, and data-mining millions of Americans will not help identify terrorists and will not stop acts of terrorism. What will stop terrorism is creating an accurate list of terrorists, suspected terrorists, and their associates. This list should be based on sound intelligence, which seems to be in short supply nowadays. We must then ensure that the proper information gets to policy makers, law enforcement, and those protecting our borders.

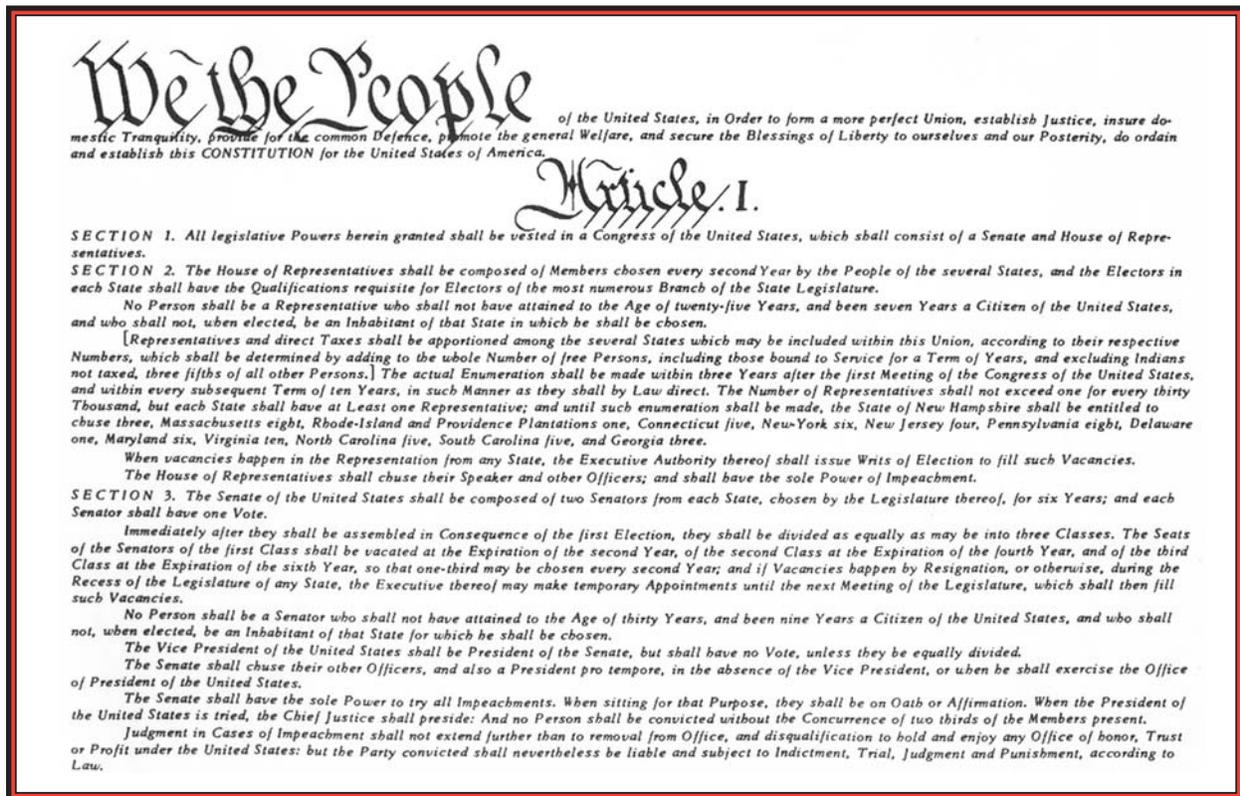
## Trusting the American People

Trust is a two-way street. Our government should learn to trust us, the American people. We, the People, ought to cherish our Constitution and trust the federal government only with those essential but limited powers that are clearly defined in the Law of the Land. If we are not vigilant, one day we will wake up to see surveillance cameras all around us. Big Brother will be watching!

*“Freedom is never more than one generation away from extinction. We didn’t pass it to our children in the bloodstream. It must be fought for, protected, and handed on for them to do the same.”*

—RONALD REAGAN

Those of us who have taken on the mission of trying to stop the growth of government face a daunting task. But it is the vital task none of us can avoid if we want freedom to prevail in America once again.



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# Evenings at FEE

Saturday, October 15, 2005

JOHN ANTHONY KROGDAHL  
MEMORIAL LECTURE

“Constitutional Chaos”

Judge Andrew P. Napolitano  
Senior Judicial Analyst  
FOX News



Saturday, November 12, 2005

“Freedom and the Therapeutic State”

Dr. Thomas S. Szasz  
Freeman Columnist  
Professor of Psychiatry Emeritus,  
SUNY Upstate Medical University

## CONGRATULATIONS, FEE ALUMNI 2005!

261 outstanding young men and women from 28 countries and 35 states attended our six week-long student seminars this summer.

- Freedom 101 (high school students)
- Freedom University (three sessions for undergraduates)
- Young Scholars Colloquium (undergraduate and graduate students)
- Austrian School of Economics (undergraduate and graduate students)



Austrian Economics FEE, July 24 - 30, 2005



Freedom University July 10 - 16, 2005



Freedom University May 22 - 28, 2005



Young Scholars Colloquium FEE, June 13 - 18, 2005



Freedom 101 June 26 - July 2, 2005



Freedom University August 7 - 13, 2005

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