

Citizens or Subjects?

History has shown time and time again that divided people are a weakened people. The past few decades of American political history have persuaded me that the way we have framed our political system produces a false polarization, splitting citizens into rival camps, each attempting to increase their own powers to redress perceived wrongs by members of other camps. Each political party introduces practices that erode our liberties, and then the next administration uses the existence of these policies to justify their expansion. This is not a Republican issue; this is not a Democrat issue; this is a citizen versus government issue. Are we citizens or are we subjects?

Step by step, it seems that two policies followed by both parties are destroying civil liberties in America: the war on drugs and the war on terror.

In order to combat the war on drugs, in the past few years, the Court has allowed police officers to randomly stop and frisk people on streets if they can articulate a suspicion to do so, other cases have allowed people to be arrested for minor violations (e.g., not wearing a seatbelt), and strip searched if arrested for any offense and placed in the penal system. In other words, following *Florence* and *Atwater*, a traffic stop for any minor violation of any minor law could result in arrest and strip search. Should you protest, you can be placed in a private prison where solitary confinement is considered an acceptable form of control for any prisoner who violates arbitrary prison rules.

The war on drugs is doomed to fail. In nearly every culture, people have found ways to alter their consciousness. In some cases, people use drugs to reduce social tensions, in some they use them to commune with the divine, and in some situations they use them to enjoy the feeling that drugs can offer. In the kitchens, backyards, and basements of America, your friends, your neighbors, your children, and your parents are altering their consciousness. I have long believed a rational drug policy would consider the level of risk we have accepted with our most dangerous recreational drugs (e.g., alcohol and tobacco) and then also accept any other drug with less risk. Any other policy asserts one group's preferences over another's and is unjustified in the America ideal self-governance. Whether you prefer wine, weed, or XTC, as long as you are not harming others, I don't see how this is my concern.

However, just as with Prohibition, our current drug laws are irrational, discriminatory, the drug war a vast over-reach into citizens' private lives, and these all work to undermine the perceived legitimacy of the government. The drug war is irrational because punishment for offenders doesn't match objective measures of their dangerousness; alcohol, tobacco, and even many pharmaceuticals are far more dangerous than many illegal drugs (e.g., marijuana). At every stage in the process, the drug war is discriminatory because it differentially impacts minorities. It is fiscally irresponsible to spend two thousand a month to lock up a person using marijuana instead of using that money to build positive services our society needs. For every day 40 recreational drug users are in jail, this amounts to one million dollars over the course of a year that is not being used to repair bridges or respond to emergency calls. Every moment spent arresting someone safely possessing a drug, every jail space taken by these individuals is money and resources not spent protecting us from armed criminals. Next, from no-knock warrants to mandatory drug testing, the government's reach into our private life has vastly increased. Finally, the massive corruption of officials, and the disconnect with the official story and people's experience destroys the perceived legitimacy of our government. Both our own history, and that of other countries, shows that this war is a failure. It is past time to end it.

In the war on drugs, the Court began an erosion of the Fourth amendment that has allowed the war on terror to come in and blow the dust away.

Businesses and government are working together to collect and analyze our personal information: who we associate with, what we buy, websites we visit, where we travel. We are told that spying on us is the only way to stop terrorism. We are told if we aren't breaking any laws then we have nothing to fear. We are told that since we already give information to businesses we can also trust anonymous bureaucrats to keep our secrets. We are told not to be worried, they are only collecting "metadata." These are all false. This is nothing other than the TSAfication of America.

To appreciate the issue, consider the following factoid: No one messes with Andorra. Its army (which only has a dozen ceremonial members) has not been involved in combat in 700 years. One reason no one messes with Andorra is because Andorra does not use its military power to muscle into their country, overthrow their governments, and shoot their neighbors down with drones. Imagine for one second if any country flew armed drones into American territory; imagine if another country kidnapped, tortured, and indefinitely detained one of our neighbors. To put this in perspective, military historians still speak of the Japanese armed balloons that may have entered continental America during WWII; imagine if they flew balloons into our country every day.

Instead of learning the lesson that militarism breeds resentment, and that our current system produces unacceptable rates of false positives and false negatives in those it accuses and misses, the US has intensified the system of drones and spying and turned it against its own people. To solve the problem of terrorism, the US is following the same policy that led to *hospitalism* in the early 20th century. Just as doctors believed diseases were best prevented and treated by moving patients to overly-sterile rooms with no physical contact, we believe terrorists are germs we can prevent from ever getting to us if only we quarantine our country. In both cases, our attempts to solve our problems by strengthening our borders and more aggressively attacking targets have destroyed our spirit and left us more vulnerable. We will never be 100% secure from attack, and each increment to decrease our likelihood comes at greater and greater costs to our liberties. Our current bias that everyone is a potential terrorist and everyone must be checked has produced travel rules where we say that we need to photograph everyone naked or grope them before they can fly. Now the government is using the same idea to scrutinize more closely groups the current administration finds unacceptable, harassing journalists who publish unflattering stories of government misdeeds, and has a McCarthy-esque “main core” list of political dissidents. Our police departments are patrolling our streets in armored troop carriers used by the military. The military is amassing a weapons stockpile to execute everyone on the planet many times over. People soberly discuss using drones to patrol our skies.

We are told that businesses often obtain the same information that the government has obtained and so we should not be concerned if the government has this information as well. This argument is no more valid than a co-worker demanding to know something because we told a friend the same thing. Further, while I am somewhat uncomfortable with businesses having so much information about me, this is different from the government in two major aspects. First, while businesses may make our lives hell in many ways, they can't arrest and strip search us for the smallest of offenses. Second, we tend to be more accepting of businesses having private information, believing they will use it to sell us more of things we already enjoy. If MillerCoors and Simply Orange want to send me Blue Moon and orange juice, that is fine with me; if Oliva or Romeo y Julieta want to send me other Connecticut cigars, that is fine with me too. Ditto for camping companies, hiking or running shoe companies, cookware companies, and a thousand other companies I use every day.

Just as by a controlling partner, we are told if we have nothing to hide then we have nothing to fear when the government spies through our things and collects “metadata.” Our country has a history of protecting a sphere of privacy around our self and our homes. This sphere underlies our freedom of religion, our freedom of assembly, our reproductive freedom. Within this sphere, as long as an adult is not infringing the rights of others, or planning to or engaging in criminal behavior, their activities are none of my legal business. More generally, adults don't have to reveal private actions to others because they are none of our damn business. I am neither less bothered nor more willing for anonymous bureaucrats to know my actions than I am to answer every inquiry of my neighbors. That I don't share my too-extensive BeeGees collection, my attraction to cute topless women with smaller than average breasts, or my addiction to Fark to everyone does not make me a terrorist. This makes me an adult who doesn't feel the need to share all my activities with the good people of Salem.

Our government is following its TSA model and assumes everyone is a potential terrorist until temporally proven otherwise. In addition to taking naked photographs and groping us when we fly, the government is now entering our hidden folders and looking at those risqué pictures we took “that one time”, and stealing the keys to our hidden online diaries. This is as unacceptable for our neighbors to do as

it is an anonymous thug with a badge. Police states of all types have networks of spies on their fellow citizens, and this snooping will create a modern day Dreyfus, where if governments can read what's on your computer, it's a short moral step to arguing that putting incriminating stuff there is also in the public interest. After all, everyone knows you are a bad guy.

We live in a complicated interconnected world, and there are not simple answers to many questions. I do not have simple answers either. I only offer the following. Laws and policies are made by specific individuals; these individuals should be punished for the flagrant violations of our Constitution, our privacy, and erosions of our civil liberties. The war on drugs must be transformed into a rational drug policy. The vague and easily manipulated war on terrorism, complete with the NSA surveillance of American citizens, must be ended. Governmental action requires reasonable evidence that a particular individual is engaged or planning a real crime. I refuse to believe that all my neighbors are my enemies and should be treated as such until proven otherwise.

I believe my neighbors and I are citizens of a Constitutional Republic with certain rights and freedoms, not subjects in a police state. We must stand together to resist this government intrusion into our private lives.

Christopher Robinson, PhD
June 2013