

Liberty and Security are Not Mutually Exclusive

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Liberty and Security are Not Mutually Exclusive

by Congresswoman Doris O. Matsui, California's 5th Congressional District

At times, our national discourse wrongly assumes that liberty and security are mutually exclusive ideals. In fact, our liberty is a crucial component of our national security. Soon, the House will consider the RESTORE Act, a piece of legislation that maintains a balance between these two ideals. The RESTORE Act is the result of intense study, having been examined from every possible angle by some of our nation's prominent leaders. Through reasoned logic, it accomplishes what previous laws could not: it responsibly seeks to protect Americans from another terrorist attack while still preserving our fundamental, core values.

We are at a point in our country's history where people are acutely aware of national security, and the imperative to conduct effective counterterrorism operations. No American citizen, no elected official, and no government agency can deny that we must pay close attention to our security needs. At the same time, our devotion to our civil liberties is what separates our country and signifies our leadership in the international community.

Government officials and Members of Congress have spoken in the media and on the House floor using incendiary language, hoping that it will resonate with the American people and cause us to change our path: saying that "people will die" and that we cannot "impede surveillance of Osama bin Laden."

No upstanding citizen of this country wants to see Americans die... or hinder the process of bringing Osama bin Laden to justice. But I refuse to respond to this dramatic and emotional appeal, and instead call on the American people and my colleagues in Congress to examine the issue from a well-reasoned position and an eye to the preservation of our national security and civil liberties.

As lawmakers, we must have the strength and moral fiber to not give in to the rhetoric of fear, but to explore the avenues that will bolster our national security, provide our law enforcement personnel with the tools they need to effectively do their jobs, and preserve our civil liberties and way of life. Citizenship in the United States must stand for something.

In testimony before the Senate, Director of National Intelligence Mike McConnell asked for three things: streamlining the FISA process, flexibility in pursuing foreign targets, and immunity for telecommunications companies who handed over information to the government.

In the RESTORE Act, Congress has developed policy grants this flexibility and allows for an improved procedure, while recognizing changing technology and trends. It also grants broad authority to our security agencies to pursue foreign targets, while still affording Fourth Amendment protection to American citizens. The RESTORE Act grants broad latitude in pursuing individuals outside of the U.S. but requires that for surveillance of an American citizen to be conducted, a warrant must be obtained.

In fact, the RESTORE Act improves upon the Protect Americans Act by providing clarity to our intelligence agencies, which actually helps in surveillance activities and terrorism prevention. Without clear guidelines of permissible behavior and procedure, law enforcement agents will err on the side of caution. Clarity allows them to confidently conduct surveillance and counterterrorism efforts without fear of persecution. Having a strong legal footing ensures that prosecutions of terrorists and other criminals will not be jeopardized.

The legislation that we are pursuing in Congress is focused on protecting Americans from terrorist attacks. But the fact of the matter is that we must proceed with due diligence and with full appreciation of the effects such legislation will have on our way of life.

As former deputy attorney general James B. Comey said in an address to the National Security Agency in May 2005, "It takes an appreciation of the damage that will flow from an unjustified 'yes.' It takes an understanding that, in the long-run, intelligence under law is the only sustainable intelligence in this country. . . ."

And that is where we must take a stand, and not treat the law or our Constitutional rights lightly. Brave men and women have died to protect the civil liberties and values that we hold most dear. We cannot and should not lightly brush their sacrifices aside; instead we must honor their memories by taking responsible action to ensure our nation's security.

As the late Milton Friedman, Ph.D. and Nobel Laureate said, "Eternal vigilance is required and there have to be people who step up to the plate, who believe in liberty, and who are willing to fight for it."