



# Security V. Liberty: Conflicts Between National Security and Civil Liberties in American History

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In the weeks following 9/11, the Bush administration launched the Patriot Act, rejected key provisions of the Geneva Convention, and inaugurated a sweeping electronic surveillance program for intelligence purposes—all in the name of protecting national security. But the current administration is hardly unique in pursuing such measures. In *Security v. Liberty*, Daniel Farber leads a group of prominent historians and legal experts in exploring the varied ways in which threats to national security have affected civil liberties throughout American history. Has the government's response to such threats led to a gradual loss of freedoms once taken for granted, or has the nation learned how to restore civil liberties after threats subside and how to put protections in place for the future?

*Security v. Liberty* focuses on periods of national emergency in the twentieth century—from World War I through the Vietnam War—to explore how past episodes might bear upon today's dilemma. Distinguished historian Alan Brinkley shows that during World War I the government targeted vulnerable groups—including socialists, anarchists, and labor leaders—not because of a real threat to the nation, but because it was politically expedient to scapegoat unpopular groups. Nonetheless, within ten years the Supreme Court had rolled back the most egregious of the World War I restrictions on civil liberties. Legal scholar John Yoo argues for the legitimacy of the Bush administration's War on Terror policies—such as the detainment and trials of suspected al Qaeda members—by citing historical precedent in the Roosevelt administration's prosecution of World War II. Yoo contends that, compared to Roosevelt's sweeping use of executive orders, Bush has exercised relative restraint in curtailing civil liberties. Law professor Geoffrey Stone describes how J. Edgar Hoover used domestic surveillance to harass anti-war protestors and civil rights groups throughout the 1960s and early 1970s. Congress later enacted legislation to prevent a recurrence of the Hoover era excesses, but Stone notes that the Bush administration has argued for the right to circumvent some of these restrictions in its campaign against terrorism. Historian Jan Ellen Lewis looks at early U.S. history to show how an individual's civil liberties often depended on the extent to which he or she fit the definition of “American” as the country's borders expanded. Legal experts Paul Schwartz and Ronald Lee examine the national security implications of rapid advances in information technology, which is increasingly driven by a highly globalized private sector, rather than by the U.S. government.

*Security v. Liberty* shows that civil liberties are not an immutable right, but the historically shifting result of a continuous struggle that has extended over two centuries. This important new volume provides a penetrating historical and legal analysis of the trade-offs between security and liberty that have shaped our national history—trade-offs that we confront with renewed urgency in a post-9/11 world.

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