

Herman Cain would trade liberty for security

Wed, 05/25/2011 - 12:01pm | posted by Jason Pye

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Herman Cain didn't have a good weekend. Yes, he formally announced his long-shot bid for the presidency; but he made an [embarrassing gaffe on the Constitution](#) and demonstrated an [even more concerning lack of knowledge on foreign affairs](#) while visiting with Chris Wallace on *Fox News Sunday*.

And while Mr. Cain says that "[w]e don't need to re-write the Constitution," rather "we need to re-read the Constitution and enforce the Constitution," he continues to show a severe lack of understanding on the limitations of government laid out by that document. For example, Cain [recently gave an interview to *The Atlantic*](#) where he essentially says it's perfectly fine and legal for the federal government spy on its own citizens and endorses extension of the PATRIOT Act while dismissing concerns over the law:

Tell me about the domestic side of our counter-terrorism efforts. What kinds of protections should be in place in terms of federal law enforcement going into people's bank records or listening to their phone calls. Do you think that should require a warrant?

I'm a little troubled by police officers being able to go into a home without a warrant or a court order... But that being said, I would rather error on the side of detection - in terms of making sure that we have every opportunity to detect as well as anticipate any threats toward this country. I do believe in individual rights. I believe in privacy. But I also believe that we've got to give our intelligence agencies the leeway in order to be able to protect us. If I have to choose between political correctness or doing what's right to protect us I'll go with doing what's right to protect us every time.

[...]

Is there anything in the PATRIOT Act that bothers you, that you'd want to see reversed, or are you pretty much okay with that legislation?

I think that the PATRIOT Act is about 90 percent right on. I can't delineate to you exactly what I would want to change, but here again I would rather error on the side of caution and protection, rather than worry about that ten percent that I might have a problem with. Perfect legislation doesn't exist. But I'm happy with legislation that's 90 percent right on especially if it's going to protect the people.

What would you say to a civil libertarian who argued that we all want to safeguard American lives, but that if you don't draw some legal line then the government is going to tend to use its authority for nefarious purposes?

What I'd say to them is this. I think it's one of our founding fathers who said - I think it might have been Thomas Jefferson, it might have been Abraham Lincoln, I'm not sure - if men were angels, we wouldn't need laws. Men are not angels. I'm okay doing what we need to do to protect this country. And if we see an opportunity where we need to change a law, then let's change it. Because if we try to debate hard and long how we create the perfect law, we could be annihilated by then. Let's pass laws that are 90 percent right on, and then go back and debate whether or not we need to change some things - rather than waiting until we have a law or legislation that everybody feels is 100 percent.

Here a great quote from Benjamin Franklin, another great Founding Father, that Cain should take careful note of:

They who can give up essential liberty to obtain a little temporary safety, deserve neither liberty nor safety.

We're not just talking about "political correctness," as Cain so non-chalantly states. We're talking about Fourth Amendment, which clearly states:

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

I'm not sure about him, but my copy of the Constitution and Bill of Rights lays down that language clearly.

Certainly, perfect legislation doesn't exist. But what is being debated, or at least there are those that are trying to have debate, in the Senate are reasonable fixes - including [amendments presented by Sen. Rand Paul \(R-KY\)](#) that would protect gun owners and place a higher burden of proof on the government - that address legitimate concerns with the PATRIOT Act.

Cain may not be aware of this, but there are documented instances of abuse. For example, in

2007, FBI Director Robert Mueller admitted to abuses of the PATRIOT Act. In fact, there were more than 1,000 instances of the FBI misusing the law, according to the *Washington Post* (emphasis mine):

An internal FBI audit has found that the bureau potentially violated the law or agency rules more than 1,000 times while collecting data about domestic phone calls, e-mails and financial transactions in recent years, far more than was documented in a Justice Department report in March that ignited bipartisan congressional criticism.

The new audit covers just 10 percent of the bureau's national security investigations since 2002, and so the mistakes in the FBI's domestic surveillance efforts probably number several thousand, bureau officials said in interviews. The earlier report found 22 violations in a much smaller sampling.

Julian Sanchez also notes:

"[A]buse" typically connotes a violation of the law, or at least the internal rules governing surveillance. But there's good reason to be concerned about some of these powers even when they're used precisely as intended. In recent hearings, Justice Department officials made quite clear that they vacuum up reams of telephone, Internet and bank records in the preliminary phases of investigations to "close down leads" and spot suspicious patterns. This is another way of saying that the vast majority of people surveilled are innocent — not when this authority is misused, but by design. The FBI issues tens of thousands of National Security Letters each year, and the majority seek information about U.S. citizens. That information isn't discarded; it goes into a massive FBI database containing literally billions of records. Simple math suggests there just aren't that many terrorists out there.

So-called sneak-and-peek warrants that were sold as a vital tool for terrorism investigations are now overwhelmingly used in ordinary criminal investigations — contrary to what the public was told, certainly, but in accordance with the letter of the law. If we look back to those abuses uncovered by the Church Committee, we find some cases in which surveillance of journalists, activists and even Supreme Court justices was initiated for manifestly unlawful political purposes. But just as often, information gathered in the course of an initially legitimate national security investigation was later used for an illegitimate political end.

Whether or not 90% of the law is "right on" is entirely irrelevant if it violates basic, protected liberties laid out in the Constitution. Sadly, Herman Cain is guilty of doing what he complains liberals want to do; re-write the Constitution to suit his own purposes. I guess it's perfectly fine when he does it.

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