

# Guest Editorial

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## LAND OF THE FREE?

By Paul Whittaker

Civil liberties are often “collateral damage” in times of war. Even Lincoln suspended *habeas corpus* in the name of “liberty and justice for all.”

The so-called “War on Terror” has brought the horrors of Abu Ghraib and Guantanamo; secret prisons in Eastern Europe; debate over “waterboarding” and other forms of torture; and the increased government surveillance powers of the Patriot Act. Most of these have been carried out in the name of “national security.”

But the real damage to personal freedom goes back much earlier and reaches deeper. Like the War on Terror, other assaults on liberty are carried out in the guise of a sympathetic cause with widespread popular support.

The 1980’s brought the War on Drugs. Like the War on Terror, this was a campaign against a word, not a concrete, human enemy. This approach allows a partisan political agenda to be concealed behind a legitimate social purpose. The War on Drugs fused the legitimate goals of protecting young people and breaking up criminal networks with the more partisan goals of breaking up the “hippy counterculture,” expanding government surveillance power, bullying liberals, and paramilitary intervention in Third World countries such as Columbia. Its most salient accomplishment was a shift in preference from marijuana to cocaine (which is easier to conceal) as the nation’s “drug of choice.”

The growth of the Prison-Industrial Complex was fueled by the War on Drugs.

The War on Drugs brought mandatory minimum sentencing. This was foisted on a gullible public in the name of fairness and consistency. This “one size fits all” approach enabled the covert, partisan goals of the War on Drugs by intimidating marijuana users and sending hundreds of thousands of drug abusers—mostly low-income minorities—to prison for longer terms than hardened felons. In an especially odious assault on justice, mandatory penalties for “crack” were set much higher than those for “powder” cocaine.

Prison overcrowding that inevitably resulted led to a booming prison construction industry. Funding for schools, social welfare, and job training, already low, was further reduced to pay for prisons.

The relentless yammer of the right-wing media drowned out moral discernment. Our tradition of commensurate punishment, dating back to Leviticus, fell by the wayside. So did our ideals of compassion and rehabilitation. Juveniles as young as 14 started being sentenced as adults.

“Zero tolerance” policies erased the obvious distinction between selling hard drugs to school children and adults smoking marijuana. Today even medical use of marijuana—practiced in many other cultures—is banned. Surely a society that publishes treatment of the sick is sick itself.

Today, the US leads the world in its *per capita* incarceration. Our total prison population is roughly equal to that of China, which has four times the general population. We lead the world in Taser guns, video surveillance cameras, police brutality complaints, urine tests, and metal detectors. A cowed population whines about the supposed “special treatment” of an annoying young “celebutante,” instead of demanding better treatment for itself.

Far from being the freest society on earth, we are in reality, by some measures, one of the most repressive. Investment in prison and “security” technology exceeds that for sustainable, “green” technology. Waterboarding, Guantanamo, and the most obnoxious sections of the Patriot Act are but continuation of a long-term trend.

A few, recent developments provide a glimmer of light. In one case, the Georgia Supreme Court threw out a 10-year sentence (to adult prison) for a 17 year old black high school honor student, who had been found guilty of “consensual oral sex,” on the grounds that it violates the Constitution’s prohibition against “cruel punishment.” The same logic can be

applied to hundreds of thousands of nonviolent offenders with similarly long sentences. The real question is why it took an official, legal authority so long to grasp the obvious.

Just as we must end our insane, brutal occupation of Iraq, so we must end the insane, brutal incarceration of our fellow citizens. .