

This Is America?

by James R. Otteson

I have long had an uneasy relationship with airport security. Before September 11, I resisted the demand that I produce a government-issued ID, believing that it smacked too much of the “Papers, please” of the former Soviet Union that Hollywood movies used to mock and we free Americans used to laugh at.

I also used to withhold permission to search my bags. On one occasion before September 11, in the Birmingham, Alabama, airport, the security guard was nonplussed when I answered no to her perfunctory request for permission to search my briefcase. I told her, and then her supervisor, and eventually a man who identified himself as the head of security at the airport, that I am protected by the Constitution from unreasonable searches and seizures. I showed him the Fourth Amendment in the copy of the Constitution I always take with me when I travel. It meant, I said, that unless they had either a warrant or probable cause to suspect me of some crime, they had no right to demand to search my bag. They admitted that they had neither, but, in what was then a shocking revelation and now seems only to have been ahead of its time, the chief of security said: “Well, you have *your* law; I have *mine*.”

That was before September 11. Since then, all sanity—not to mention quaint notions

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like individual liberty, rights, and privacy—is fast going the way of the Edsel.

Several weeks ago in the airport in Traverse City, Michigan, my wife, my children of 8, 5, and 3, and I were all “randomly” selected for a complete search of all our belongings. I have never been subject to more humiliating treatment in my life. We all—including my three-year-old son—had to take off our shoes, and hand them over for “inspection.” I had to take off my sport coat and belt as well; and I had to hand over my wallet for it to be—well, who knows?

I made my usual protest about protections from unreasonable searches and seizures, but they fell on deaf ears. “We’re just following orders,” I was told. That was the defense Nazi war criminals used, I said. Following orders does not relieve you of responsibility for your own actions. “Are you calling me a Nazi?” one demanded. “You call me a Nazi again and you’re *never* getting on that plane!”

Whose orders are you following? “The FAA’s.” The FAA has instructed you to detain and search innocent American citizens and their families? “Where have you been lately, buddy? Haven’t you heard of what happened in New York?” But wasn’t that tragedy, like most terrorist activities against America, perpetrated by people who were *not* native-born American citizens, and who were *not* traveling with their wives and small children?

By this point I was surrounded by approximately half a dozen security guards and several armed National Guardsmen. I was informed that if I did not “shut up,” I would be made to “go Greyhound the rest of [my] life.” I asked whether I was suspected of a crime. I was informed that asking so many questions “about the Constitution and all” was *making* me suspicious. “This is America now, buddy. You better shut up and get used to it!”

I asked whether they now intended not only to violate my right to be free of arbitrary searches and seizures, but also my right to free speech. I was then told—through clenched teeth—that if I said “one more word,” they were going to “lock me up” and make me “go Greyhound the rest of [my] life.” “*I have that power,*” one security guard growled at me ominously.

My children were frightened and on the verge of tears, and my wife, also growing uneasy, implored me to simply let them do what they wanted to do. So after a tense moment I stood aside, escorted by two armed National Guardsmen, while several security guards searched through our bags. I had to stand by silently while all of our things were taken out and examined, no doubt with extra thoroughness to punish me for my impudence. My shirts, pants, and socks were unfolded. A man with no gloves on rifled through my wife’s intimates; he even fingered through her feminine products.

After some 20 minutes of searching, they finished, and allowed us to go up the one flight of stairs and walk the 50 feet to our gate, where one of the very same people who had searched us downstairs now searched us *again* before we were allowed to get on the plane.

Security Reduced

What has become of us? A once free and proud people lets itself be subject to this kind of totalitarian treatment? Searching my children, my wife, and me does not increase security one iota: as anyone with any com-

mon sense could see, we are obviously not a threat. Indeed, wasting time searching people like us squanders the opportunity to check people who actually are likely suspects. So it might in fact *reduce* our level of security.

I flew again just recently. During yet another “random” search of my briefcase, the security guard found a leather thong with weighted ends that I use to hold books open while I read them. (I am a college professor, so this comes in quite handy; my mother gave it to me as a gift many years ago.) The guard decided it could be used as a “blackjack”—apparently a device used to hit people on the head—and called his manager over.

I explained to the manager, as I had explained to the guard, what I use it for. I even got a book out of my briefcase and demonstrated. The manager said, “That’s fine. Let him through.” “But,” the guard protested, “he could use it to knock somebody out!” And he provided his own rather dramatic demonstration of how one might use it. The manager replied, “It’s no different from a fist—are you going to cut his arm off? Let him through.” I thanked the manager for her common sense.

Thus there is still some of that in airports—but it is increasingly uncommon. And the new security measures being adopted, which do not increase security and instead serve only to inconvenience law-abiding Americans, are quickly stamping out the last vestiges of reasonableness—not to mention liberty—at our airports.

The terrorist threat is real. As September 11 showed, it is all too real. We should not let our political sensibilities trump our good sense when actual lives are at stake. And we should not let our precious liberties—the very liberties that make this country worth dying for—be usurped by petty tyrants who are “just following orders.”

The invasive and unconstitutional tactics of such airport security are an alarmingly large step toward creating just the kind of totalitarian society our enemies hope to create. We must not let it continue. □