

# An analysis of national security in united states

[Law](#), [Security](#)



## National Security

When the United States is engaged in military conflict, do the demands of national security supersede conflicting claims of individual rights?

" ... Only the greatest dangers can outweigh that of changing the public order, and the sacred power of the laws should never be interfered with except when the safety of the country is at stake". Because I agree with these words given by a great philosopher of the social contract, Jean Jacques Rousseau<sup>1</sup>, that I affirm the question.

The question gives the circumstance in which we debate whether or not national security ought to supersede conflicting claims of individual rights. That circumstance is when the U. S. is engaged in military conflict and when national security is at stake. We can infer that these infringements on rights would only be temporary until national security was no longer at stake, in which case, these rights would be restored.

Because the question inquires the United States and its values, we must understand and examine what the U. S. was first founded upon. The Declaration of Independence was what America first established itself upon and states that this country entitles its citizens to, " Life, Liberty and the Pursuit of Happiness". We must realize that to receive Liberty and Happiness means first we must have Life, furthermore the protection of.

We cannot protect societies liberties and individual rights, if we cannot first protect the citizens' lives and ensure their security. Once we protect the people, we can then protect their rights.

The government's duty to the country is to do what is best for the country as a whole as seen fit by the government. John Locke<sup>2</sup>, another philosopher of the social contract affirms this; " To avoid this state of war (between one individual to another) is one great reason of men's putting themselves into society, and quitting the state of nature." He also explains that men give up certain rights for protection and establish a government to do so. Until the whole country is in a stable state, the government cannot further do their best to do what is best for the individuals of the country.

Clinton Rossiter<sup>3</sup>, a political scientist, best demonstrates this in his book, *Constitutional Dictatorship: Crisis Development in the Modern Democracies*. " No form of government can survive that excludes dictatorship when the life of the nation is at stake". If we plan on maintaining the rights we have now, we must give up a little sometimes, so we can do what is best for the country. Legal commentary by John W. Dean<sup>4</sup>, dealing solely with this subject, " Democracy works best in times of peace, when there is debate, compromise, and deliberation in forming governing rules, regulations, and policies.

When confronted with a major crisis - particularly one that is, like terrorism, of an unfamiliar nature - the nation will turn to the President for initiative and resolute leadership. If our very existence and way of life are threatened, Americans will want their President to do whatever is necessary." This explains that peace and war cannot occur at the same time, and that a democracy's job is to protect it's people and their rights, but does not and,

sometimes can not, acknowledge them in times when national security is at stake.

Martin Shaffer<sup>5</sup>, professor of political science at Oxford University demonstrate that an approach to a situation is different based on the circumstance, " Preservation of the American system of constitutional rule is the ultimate purpose of a crisis regime, but it acknowledges no restrictions in assuming the authority needed to achieve this goal".

Imagine two people robbed a bank and were still inside the building. The police would go in and arrest them immediately. But imagine the same situation with new circumstances. The bank robbers have hostages. Now the police have to find a new approach to a situation to protect the hostages. We must realize that the rules and regulations need to change to meet the circumstances of the situation, and that to obtain individual rights means obtaining national security first, especially in the time of a crisis regime, as stated.

Protecting individual rights over the security of our country puts the country at risk of losing those rights, and more importantly the lives of our citizens.

During the Civil War, President Lincoln imposed martial law and suspended the writ of habeas corpus, to better protect the U. S. He suspended the rights of citizens to protect the country. This aided the Union in winning the Civil War, which may not have happened if not done so. John W. Dean<sup>4</sup> stated, " The U. S. Supreme Court made clear in Ex Parte Milligan, following the Civil War, that 'the government, within the Constitution, has all the powers granted to

it which are necessary to preserve its existence." After the war was won, those rights were restored and the citizens now had national security and individual rights.

An example of this is the case of Jose Padilla, the U. S. citizen having links with the Al-Qaeda network. He is being held as an enemy combatant and being imprisoned with no case brought against him. Mr. Ashcroft stated that there was legal authority under the laws of war and clear Supreme Court precedent, which establishes that the military may detain a United States citizen who has joined the enemy and has entered our country to carry out hostile acts.

If given his individual rights and was not detained, Padilla may have been able to assist the Al-Qaeda into further information about the U. S., further hurting and destroying America and its citizens. In normal circumstances, individual rights should be respected and Padilla should be innocent until proven guilty, but because he could pose a threat to national security, his rights have been suspended. Limiting the rights of this one man protects the rights and lives of the whole country.

Limiting rights for the security of the country, has been proven effective in the past, and if not done, would have harmed America.

During the Great Depression when the Price Control Act needed provisions, Franklin D. Roosevelt<sup>6</sup> stated, " In the event the Congress should fail to act, and act adequately, I shall accept the responsibility, and I will act." And he

reminded the Congress: " The President has the power ... to take measures necessary to avert a disaster which would interfere with winning of the war."

Americans right to representation had been taken away. However, Roosevelt took Constitutional Dictatorship and forced Congress into doing what was needed for the best of the country and was able to restore that right to representation, among other rights, quicker and more effectively than if this right was not tampered with.

Franklin D. Roosevelt also interfered with individual rights, but protecting American citizens, with Japanese internment camps after Pearl Harbor. Japanese Americans, were put into camps and given strict curfew times, to protect the Caucasian Americans from possible threats of Japanese Americans, and protected the Japanese Americans from the strong hatred being felt towards them from the Caucasian. When the war was won, the Japanese were let go, repaid for lost income, and the Japanese remained loyal to the country. However, if we were not to do this, and some Japanese were able to help Japan by telling them our secrets, we may have lost the war.

When a war is lost between two countries and one country can conquer the other, the winning country's government is implemented into that country. That is how countries are formed and how they got to be. Now if Japan won this war, we may not have our current system of democracy or the rights we have. Roosevelt, by allowing for the camps, fought to protect the lives of Americans and the rights they had for a long time and insured their safety, just by sacrificing them for a short while.

In conclusion, infringement on individual rights provides for the greatest good of the country, and national security ought to supersede these rights in times of military conflict. I support the suspension of people's rights because it has worked in the past to win wars and I have faith that it will work in the future. If we want to save this country we must give up our rights to protect the lives the countless others and our futures. I believe without life there is no use for liberties.