

Should civil liberties be restricted during times of war essay



**ASSIGN
BUSTER**

During America's most consequential wars, the United States government has restricted civil liberties of the American people despite the nation's strong rooted foundation for preserving every citizen's rights. When danger is an ever present factor for the nation due to war or conflict restrictions are often placed on some of the most basic freedoms and liberties. Perfect balancing of these restrictions is vital to the countries wellbeing. One of the most well-known examples of this type of restraint is Abraham Lincoln's precedent of suspending the writ of Habeas Corpus and issuing martial law.

Lincoln's actions clearly violated the rights of the people that are guaranteed to them under the Constitution. While out of context it wouldn't make much sense, the specific circumstance's Abraham Lincoln was facing completely justified his unconstitutional orders. In retrospect we can now see how important Lincoln's decisions were; If not for his actions the union may never have won the Civil War and history would have been irreparably altered. History repeated itself when following in Lincoln's footsteps, President Franklin D.

Roosevelt authorized the internment of over 100, 000 people of Japanese descent in response to Japan's attacks on the Pearl Harbor Naval Base. The country was in a state of panic and a response was needed to make Americans feel secure. Less than five decades later a similar attack devastated America. Similar to Roosevelt, George W. Bush was catapulted into taking responsive action after the September 11th terrorist attacks on U. S soil. His response was the Patriot Act.

It was our founding fathers intentions for the people of these United States to be sheltered by liberty and freedom, however, it's clear that later day presidents used a strong balance of discretion and justice for the sake of a greater good and national security. The government should be able to impede certain civil liberties should the situation arise where it is necessary as long as they use conscientious consideration to determine that it's necessary for national security. Habeas Corpus is a writ that requires a person under arrest to be brought before a judge.

All US citizens were given this right when the constitution was initially drafted. This writ was maintained until the outbreak of the Civil War when Abraham Lincoln suspended it in response to confederate attacks on Fort Sumter in April of 1861. His first concern was keeping a safe pathway between Washington and the rest of the northern states. If Maryland joined Virginia and seceded from the Union, the nation's capital would be lost in the turmoil of the hostile south. In April 1861 tens of thousands southern sympathizers from Baltimore stopped Union troops from traveling to Washington.

Lincoln was forced to suspend Habeas Corpus in areas along the route from the Capitol to Philadelphia so that union soldiers were able to arrest anyone who was causing a threat to public safety. Lincoln realized the importance of the north winning the Civil War. It was his duty as President of the United States to preserve the union at all costs. Without suspending Habeas Corpus there would be no way of controlling anti-union, southern sympathizers. Anti-war propaganda was dangerous to the spirits of Lincoln's soldiers; Habeas corpus allowed for control of it.

<https://assignbuster.com/should-civil-liberties-be-restricted-during-times-of-war-essay/>

Union leaders were not afraid to exert their newly claimed abilities. While running for governor, a former congressman named Clement Vallandigham was arrested by a military commander for advocating for negotiated peace by anti-war demonstrations. The risk of having an influential member of government persuading the population against war and demotivating them was too great for Lincoln's cause. Vallandigham was convicted of treason and was confined for the entire extent of the war. Later, in 1863 a draft was issued for the Union Army.

Frustrated by their lack of motivation and their inability to pay a buyout, most of the working class in the north was in an uproar. The Union Army due to martial law and the suspension of Habeas Corpus was able to arrest and detain anyone who lashed out against the draft. If not for Abraham Lincoln's actions of suspending Habeas Corpus and declaring Martial Law the union army would not have been as strong as it was because of the lack of control of those who were conscripted into the military. The confederacy could have won and slavery could have been a prevailing institution after the war.

Almost a century after the events of the Civil War, President Franklin D. Roosevelt signed Executive Order 9066 and the Alien Enemies Act in 1942, effectively forcing Japanese Americans, even natural born citizens, into internment camps on short notice without any indication of when they would return to their homes. Japanese internment was a fearful response to the Japanese attacks on Pearl Harbor on December 7th, 1941 and the Niihau Incident on the same day. These events were unexpected; the U. S was looking for a scapegoat.

The events on Niihau after the attacks where Japanese-Americans aided a fallen Japanese bomber heavily contributed to the sense of fear that Japanese people living in America would still be loyal to their heritage and be a danger to America's cause during World War II. While seemingly cruel to relocate thousands of families, it shouldn't be hard to understand President Roosevelt's reasoning for his breach of the constitution. Imperial Japan was a constant threat to national security; there was no room for taking chances. The Niihau Incident taught Americans that the Japanese living in America cannot be fully trusted.

To ensure national security, President Roosevelt had to remove any possible enemy sympathizers from the population simply because the stakes were too high to take any chances. Despite the fact that his actions were unconstitutional, they were justified and therefore should be allowed because of the circumstances. Admittedly however, internment of American citizens may seem too drastic to be considered justified. It can be argued that pure racism was the cause for the demand for punishment of Japanese people and the Niihau Incident was just an excuse; distrust for immigrants and foreigners had already existed before the war.

The treatment of the Japanese people within the camps was inexcusable. Camps looked similar to jails, President Roosevelt himself called the 10 facilities "concentration camps." Some died in the camps due to inadequate medical care. Records exist of people that were killed by military guards who allegedly claimed that their victims were resisting orders. One source said "our government had in its possession proof that not one Japanese American, citizen or not, had engaged in espionage, not one had committed any act of

<https://assignbuster.com/should-civil-liberties-be-restricted-during-times-of-war-essay/>

sabotage. From a social and humanitarian standpoint, it's apparent that the taking these people from their homes was cruel and unjustified. President Roosevelt however, saw the big picture. In hindsight it was unlikely that any of the captives of Japanese descent were a threat, all possible precautions were used in a time of such dire crisis. Following in suit of President Lincoln, President George W. Bush, in October of 2001, signed into law the Patriot Act. This law, much like the Alien Enemies Act of 1942, was in direct response to a terrorist attack.

The Patriot Act allowed for more freedom for law enforcement agencies to intercept possible terrorist conspiracies through e-mail, phone, mail and allowed easier access to financial and medical records. There's no argument that this is a violation of the people's right to privacy but there should be no dispute over all of the potential lives that it's granted freedoms can save. If two terrorist organizers were conspiring through e-mail communications, the patriot act allows for all groups involved to be further investigated.

While citizen's privacy can be intruded upon, it doesn't not counter balance the risk that could have existed had it not been signed into law. Throughout history the government has reserved the power to restrict its citizens' natural rights in situations it deemed necessary. Abraham Lincoln suspended Habeas Corpus with the intent of preserving the union. His actions lead to a northern victory in the civil war. Lincoln accomplished a tremendous feat that would be impossible without his temporary breach of the constitution. President Franklin D.

Roosevelt, whose actions may not have been ideal, infringed on the rights given by the constitution but still maintained a safe environment for most U. S citizens and eventually, like Lincoln, ended the war as a result. Even in modern times we find examples; George W. Bush's Patriot Act invaded the privacy of some Americans, but, at the same time increased national security in an unsure time. These examples prove that the government should be able to restrict civil liberties should the situation arise where it's deemed impossible to maintain national security without doing so.

- [1]. Time-Line of Habeus Corpus. Douglass Harper. EtmHistory June , 2002.
- [2]. Time-Line of Habeus Corpus. Douglass Harper. EtmHistory June , 2002.
- [3]. 3Lincoln and the Civil War. The Lincoln Institute. The Lehram Institute . 2002-2012.
- [4]. Japanese Internment, Social Issues. Earl Warren. The Heritage Foundation 1942.
- [5]. Japanese Relocation Centers. Ricco Villanueva. Pearson Education 2007.
- [6]. Japanese Relocation Centers. Ricco Villanueva. Pearson Education 2007.
- [7]. USA Patriot Act. USA. gov. FinCen Network. 2004. ; http://www.fincen.gov/statutes_regs/patriot/index.html;