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William Ruger and Jason Sorens: In selective outrage at Arizona alien law, pot meets kettle

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By WILLIAM RUGER JASON SORENS

A veteran had just returned from a long deployment in Afghanistan. Eagerly headed for his home in Texas, he was driving down the highway, looking forward to taking up the mantle of his civilian existence once again. On his way home, he was forced to stop at an internal checkpoint so the government could make sure he belonged here.

Is this a fictional account of America's future?

No.

It actually happened to one of us.

Was this unseemly treatment committed in Arizona because of that state's new immigration law, a law that has sparked widespread controversy, protest and even talk of a boycott? No, this was not in Arizona, and such checkpoints are not new but longstanding U.S. policy.

The Supreme Court, as one recent Government Accountability Office study notes, has "ruled that government officials may stop vehicles at permanent interior checkpoints for brief questioning of the driver and passengers without reasonable suspicion." And so the Border Patrol has set up permanent checkpoints that go well beyond what the Arizona law asks of its law-enforcement officials while otherwise engaged in an official contact.

Given this personal story, you can guess that we join the legions of concerned citizens who worry that the perfectly understandable desire of Arizonans to secure our borders threatens to violate some of our most basic rights and liberties.

Reactions to the new Arizona law have been strong. Democratic U.S. Rep. Jared Polis said that Arizona was becoming a "police state" and that its law was "reminiscent of the second class status of Jews in Germany prior to World War II." The mayor of San Francisco has imposed a moratorium on official travel to Arizona, and a state assemblyman in New York has introduced a resolution calling on that state's citizens to avoid travel, tourism and other business dealings with Arizona.

But Arizona is just one of many places where the law has overreached and become as much of a threat to our liberty as a protector of it.

New York, the source of some calls for a boycott, is hardly immune to oppressive legislation violating individual rights. It is one of the few states that still permit the use of eminent domain for private-to-private transfers without a public use. In ordinary parlance, we call this procedure “theft.” The state is currently using eminent domain to force out hundreds of unwilling home and business owners for the benefit of New Jersey Nets owner Bruce Ratner and his \$4.9 billion Atlantic Yards development. So how about a boycott of New York?

States from sea to shining sea enforce dozens of draconian laws. In Alabama, Mississippi, Missouri, Montana, Nevada, Oklahoma, Rhode Island and Texas, you could be sentenced to life in prison for a single marijuana-sale offense. Twenty-one states let police seize property they suspect was used in a crime, and force owners to prove their innocence before getting their property back. Law enforcement has used this process, known as “asset forfeiture,” to confiscate homes, vehicles, cash — even hotels — from owners who never committed a crime. Forty states already authorize road checkpoints where police stop, question, and have the right to test every driver for sobriety. These policies are surely just as invasive as what Arizona has put in place.

Unfortunately, today’s America is a place where government at all levels is engaged in egregious behavior that strikes at the heart of our free society. From no-knock drug raids that have killed and terrorized hundreds of innocent people to a broken immigration policy that criminalizes peaceful people looking for work, the federal government stands out as the most egregious institutionalized threat to our nation’s freedom today.

According to a recent study we wrote for the Mercatus Center at George Mason University, entitled “Freedom in the 50 States,” Arizona is actually one of the 10 freest states in the country (New Hampshire ranks first; Rhode Island 48th, ahead of only New Jersey and New York). And many of the states where officials seem so upset by the Arizona law are among the lowest-ranked states on both economic and personal liberty. Our ranking takes into account a broad range of personal and economic freedoms that both liberals and conservatives value, so it is not a partisan scorecard.

Unfortunately, the problem concealed by such rankings is that no part of this country is immune to government’s gross violations of our personal liberties, and thus our outrage should not be so selective.

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