

## Unreasonable Rulings by Dan Jacoby

Last year, supposedly in response to a terrorist attack on London's underground, Mayor Bloomberg instituted random bag searches in some subway stations. Today, a federal appeals court ruled that these searches are reasonable and therefore constitutional.

They are not.

In previous essays, I detailed why these searches are completely ineffective ("Bag Check", July 24, 2005), violate the Constitution ("Bag Check II", July 27, 2005), and actually make things worse ("Bag Check III", August 15, 2005). After the original federal court decision, I explained why the judge's ruling was incompetent ("Search Me – Not!", December 3, 2005).

The fact, obvious to anyone who bothers to think about it, is that these searches are clearly ineffective and unconstitutional. Unfortunately, the original federal judge refused to look at facts, preferring instead to look at the uniforms of the "experts" called on behalf of this invasion of American freedom. The appellate judges took it for granted that the original judge knew what he was doing, and refused to look at the facts as well. What's worse, they added some irrelevancies to the list of "reasons" for denying New Yorkers our constitutional rights.

There was a time when our leader said, "The only thing we have to fear is ... fear itself." Sadly, our current power structure seems to prefer the phrase, "Be afraid ... be very afraid." The only way America can remain "the land of the free, and the home of the brave" is to stand up, not only to terrorists, but also to those who would abuse fear in order to establish tyranny.

Freedoms are not lost overnight; they are chipped away bit by bit. Our freedoms have been chipped away consistently for almost five years. For no legitimate purpose, our phone lines are tapped, our e-mails traced, our library books checked, and our bags searched. Fortunately, it is not yet too late. We can take a stand, we can draw the proverbial "line in the sand." We can say, "You want to take away our freedom? Show us how we gain."

These subway searches gain us nothing. They only help to destroy the fabric of freedom that is supposed to be our American birthright, the freedom for which our founding fathers dedicated their lives, fortunes, and sacred honor.

As the signers of the Declaration of Independence drew their line in the sand, there was no security, no reason to believe they wouldn't eventually be hanged as traitors. They signed anyway; their freedom was more important to them. Today, we can either live up to the ideals these people set, or we can surrender to fear.

I choose to stand up. I choose to remain a free American, rather than become subject to the tyranny of fear. I choose to draw a line in the sand.

Today's appellate court ruling will be reviewed in time. Meanwhile, freedom-loving Americans must band together to break the political bands that seek to shackle us into a regime of fear.