



BY DAVID BOAZ

## Editorial Trust in Government?

Amid concerns over IRS abuses, spying on journalists, and a cover-up of the disaster in Benghazi, new problems arose for the Obama administration. Newspapers reported that the National Security Agency is collecting the telephone records of millions of Americans under a top secret court order, and then that the NSA and the FBI are scooping up emails, audio, and other data directly from the servers of such Internet companies as Microsoft, Yahoo, Google, Facebook, and AOL. Under mounting pressure, President Obama said:

If people can't trust not only the executive branch, but also don't trust Congress, and don't trust federal judges, to make sure that we're abiding by the Constitution with due process and rule of law, then we're going to have some problems here.

That didn't stop the criticisms. The president learned that distrust of government is in America's DNA. It turned out that Americans aren't entirely persuaded by the explanation that the executive branch, a few members of Congress, and a few unknown federal judges have secretly assured one another that a secret program is being pursued properly.

The president assures us that the people with access to all this data "take this work very seriously. They cherish our Constitution." Of course, the Senate's Church Committee in 1975 found evidence that the CIA had secretly opened more than 200,000 pieces of mail. In 1992 it was discovered that State Department officials had searched Bill Clinton's passport files and travel records, looking for evidence that might discredit his presidential candidacy. Reporter David Burnham wrote in his 1980 book *A Law Unto Itself: The IRS and the Abuse of Power*, "In almost every administration since the IRS's inception the information and power of the tax agency have been mobilized for explicitly political purposes."

So Americans might be forgiven for not entirely trusting the political class.

The political class doesn't like to be doubted.

Think of President Obama a month earlier at Ohio State University denouncing those who would encourage distrust of government: "Unfortunately, you've grown up hearing voices that incessantly warn of government as nothing more than some separate, sinister entity that's at the root of all our problems; some of these same voices also doing their best to gum up the works. They'll warn that tyranny is always lurking just around the corner. You should reject these voices."

He sounded a lot like Attorney General John Ashcroft in 2001: "To those who scare peace-loving people with phantoms of lost liberty; my message is this: Your tactics only aid terrorists—for they erode our national unity and diminish our resolve. They give ammunition to America's enemies."

At the belated congressional hearings on the NSA spying, House Intelligence Committee chairman Mike Rogers (R-MI) echoed Joe McCarthy in denouncing the whistleblowers as "enemies within" who are "almost as damaging as our enemies on the outside."

*New York Times* columnist David Brooks fretted that the revelations about how our government spies on us reflected a distressing "deep suspicion of authority" and would corrode the "invisible bonds" that hold us together. Yes, it's entirely possible that making those bonds visible will make people suspicious of those who fastened them around us.

Why shouldn't we trust the government, as President Obama and Chairman Rogers urge us? Because we know who and what government is. Government is force. We need some minimal government to constrain and punish evildoers. But that doesn't eliminate our skepticism about the dangers of empowering some people to use force over others. And government is people. It isn't some Platonic form. The power that government holds is wielded by people, and people are imperfect. Some are corrupt, some are even evil. Some of the worst are actually attracted to state power.

That's why Americans have always distrusted government. As Thomas Jefferson wrote in the Kentucky Resolution of 1798 condemning the Alien and Sedition Acts:

Confidence is everywhere the parent of despotism. Free government is founded in jealousy, and not in confidence; it is jealousy, and not confidence, which prescribes limited constitutions to bind down those whom we are obliged to trust with power. . . . In questions of power, then, let no more be heard of confidence in man, but bind him down from mischief by the chains of the Constitution.

Constitutions don't enforce themselves. The people still have to maintain eternal vigilance; to do that, we must always remain suspicious and distrustful. Given the behavior of governments, it's not that difficult.

“Confidence is everywhere the parent of despotism. Free government is founded in jealousy, and not in confidence.”