## THE DAILY RECORD

WESTERN NEW YORK'S SOURCE FOR LAW. REAL ESTATE. FINANCE AND GENERAL INTELLIGENCE SINCE 1908

## Does security require the loss of liberty?

## By NICOLE BLACK

Daily Record Columnist

"Men fight for liberty and win it with hard knocks. Their children, brought up easy, let it slip away again, poor fools. And their grand-children are once more slaves."

— D.H. Lawrence, "Classical American Literature," 1922

"I prefer liberty with danger to peace with slavery."

\_\_ Unknown

By the year 2010, the New York City Police Department plans to photograph and track every vehicle that enters Manhattan.

The goal of the program, "Operation Sentinel," is to fight terrorism by collecting data from every vehicle traveling along seven tunnels and bridges — the Brooklyn-Battery, Holland, Lincoln and Queens-Midtown tunnels, and the George Washington, Henry Hudson and Triborough bridges.

Under the plan, all cars and trucks will be photographed and their license plates will be scanned and saved in a database in Lower Manhattan for at least one month. In addition, sensors will be used to scan each vehicle in an effort to detect radioactivity.

Operation Sentinel will work in tandem with a \$70 million federal program, "Securing the Cities," and the Lower Manhattan Security Initiative, a \$90 million project that includes implementation of a video surveillance system around Lower Manhattan that will track thousands of people each day. The stated goal is to have more than 3,000 cameras in place by the end of the year.

The video surveillance system is being referred to as a "ring of steel" and is modeled after the system used in London's financial district.

That fact is particularly interesting, given that the video surveillance system in place at the time of the terrorist attacks in London did nothing to prevent the bombings. Rather, the surveillance tapes simply assisted authorities in identifying and rounding up suspects after the attacks occurred.

It would seem, then, based on the lessons learned from the London attacks, that any sense of safety provided by constant governmental surveillance of New Yorkers' movements would be illusory, at best.

The only aspect of the plan that is arguably preventative is the

intent to scan vehicles for the presence of radiation. Brief investigations of positive readings likely would be rare and would serve the stated purpose of preventing an attack, rather than assisting in seeking vindication after the fact.

The need for vindication following a terrorist attack is natural and understandable, but where the vast majority of the \$160 million likely will serve to achieve vindication, rather than prevention, it seems a bit excessive.

Last week, New York City Mayor Michael Bloomberg defended Operation Sentinel and offered the following rationale for its implementation: "New York City is something special. It's not just a very big city in this world. It

is, in many senses, the iconic city. It represents Western Democracy."

Bloomberg is correct. New York City, with the Statue of Liberty in its harbor, is a symbol of the very freedom and liberty upon which our great nation was founded.

If we must erode our civil liberties in the name of terrorism, shouldn't the primary goal in doing so be prevention, not vindication after the fact?

Is the loss of our freedoms truly outweighed by the minimal preventative benefits of surveillance cameras and tracking systems?

Is the slow demise of our civil liberties in the name of the battle against the nebulous enemy, "terrorism," truly worth it?

Nicole Black is of counsel to Fiandach & Fiandach and co-authors Criminal Law in New York, a West-Thomson treatise. She also publishes a popular New York law blog, Sui Generis, nylaw-blog.typepad.com and a blog devoted to legal humor, Legal Antics, nylablog.typepad.com/legalantics.

