



“Putting Terror in Every Heart”

Are African elephants an endangered species? Like so many questions, the answer depends on who’s giving it. Villagers in northern Uganda whose food the animals devour would likely call them an endangerment — or worse. “[After] I found the elephants eating my crops in the garden, I started banging an empty jerry can to scare them but one of the big elephants charged at me. I was lucky because I ran in between the trees and the elephant stopped. I gave up my garden of millet and rice,” said Mateo Ojok. He’s one of the “internally displaced persons (IDPs) ... struggling to resettle because persistent elephant incursions into their fields are threatening their livelihoods, and sometimes, their lives.” Mr. Ojok added, “[Life in] this place is a struggle between the elephants and human beings. The elephants are giving us a hard time, they are really aggressive.”



So aggressive, in fact that [“the UN Food and Agriculture Organization estimates ... the annual cost of elephant raids to crops in Africa”](#) at “US\$60 in Uganda ... per affected farmer.” That’s a sizable chunk of wealth in a country where the [“gross national income per capita” for 2009 was \\$511.9 in “current US \[dollars\].”](#)

Ruined grain isn’t the only toll the beasts extract: [“\[T\]wo people were killed](#) and 11 others injured by elephants in Nwoya [Mr. Ojok’s ‘District’] in July [2010].” Elephants even take out the occasional [American and former Peace Corps-nik](#).

All in all, I’ll bet Ugandans resent international busybodies commanding them not to defend themselves and their dinners from pesky pachyderms as much as the busybodies would despise Ugandans’ ordering them to coddle the mice infesting their pantries.

Meanwhile, pose the same question about endangered elephants to one of the 9,000 bureaucrats at the U.S. Fish and Wildlife Service (hmmm: what kind of fish are they serving this week? Count me in for a hefty helping if it’s grilled salmon!), and you’ll receive a resounding “Yes!” — or its equivalent in Jargon.

And no wonder: how else to justify the [\\$2,760,197,000 of our taxes they squandered in FY2010](#) on their [“mission” of “work\[ing\] \[sic\] with others](#) to conserve, protect and enhance fish, wildlife and plants and their habitats for the continuing benefit of the American people.” It goes without saying you’ll find no constitutional authority whatsoever for such totalitarian nonsense nor for its underlying presupposition: that the Great Outdoors belongs to Our Rulers to conserve for themselves and protect from us, just as kings once excluded peons from the royal forest.



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Allowing government to control efforts at conservation politicizes those attempts. Theories on how species die as well as [how to revive them abound](#), but when the State invades the discussion, only those ideas with powerful, politically sophisticated sponsors will prevail — without regard for truth, morality, the people affected, or their preferences and values. Chillingly, the threat of brutality and lethal force bristles from each of the government’s “solutions”: “Do it our way, or we’ll trample you more thoroughly than an elephant could.”

Meet a victim of the Feds’ “conservation”: Lin Feng Xu, 31, [“an antique dealer in China.”](#) He packed “18 carved art objects ... made of ivory ... purchased for approximately \$3,000 to 4,000 at U.S. auction houses” in his carry-on bag and tried to board a flight out of New York’s Kennedy International Airport, I presume for home. Those eagle-eyed morons at the TSA — you know: [the ones who strip-search little old ladies](#) and require time to [“figure out”](#) whether plastic images of guns on purses are real weapons — discovered his [“violati\[on of\] the Endangered Species Act](#) in connection with the illegal export of African elephant ivory” in one of their warrantless searches.

No matter that Mr. Lin spent his own money to buy products his customers want to purchase rather than sucking up the public’s dole while sexually assaulting that public, a la the TSA’s gate-rapists: he was arrested, tried and pled guilty to charges that could [imprison him for 10 years and rob him of \\$350,000](#). China’s authoritarians have nothing on ours, eh, Mr. Lin?

The TSA’s apprehension of smugglers leaves its army of critics decrying its “mission creep”: “ ... I know you can’t export ivory out of the US,” [says one](#). “I just don’t know what it has to do with airport security and why the TSA is even trained to look for ivory in carry on bags.”

Mr. Skeptic is right, as far as he goes: ivory in carry-on bags has no more to do with airport security than the TSA does.

And that’s why ferreting out contraband of every sort — guns, explosives, drugs Our Rulers deplore, child-pornography (unless produced by the TSA’s own scanners), fake ID — isn’t “mission creep” at all. Rather, warrantless, generalized searches are integral to the agency’s *raison d’etre*: intimidating the serfs, teaching us our place.

But don’t take my word for it. Read what the Feds’ representative to the Nuremberg Trials, Justice Robert Jackson of the Supreme Court, said about the effects of such searches: [“...one need only briefly to have dwelt and worked”](#) — as Jackson had in Germany — “among a people possessed of many admirable qualities but deprived of [freedom from arbitrary searches] to know that the human personality deteriorates and dignity and self-reliance disappear where homes, persons and possessions are subject at any hour to unheralded search and seizure by the police.”

The TSA’s sexual assault at airports isn’t exactly “unheralded” — but the agency frequently brags about its [“unannounced” VIPR raids](#), which take the humiliations and horrors of checkpoints on the road to [bus](#) and [train terminals](#), [highways](#), and even [ferries](#). Nor have bureaucrats blushed to confess their ambitions of one day molesting us at [hotels and malls](#) —whether heralded or otherwise.

Meanwhile, Justice Jackson also noted in [Brinegar v. United States\(1949\)](#), “These [rights guaranteed in the Fourth Amendment], I protest, are not mere second-class rights, but belong in the catalog of indispensable freedoms. Among deprivations of rights, none is so effective in cowering a population, crushing the spirit of the individual, and putting terror in every heart. Uncontrolled search and seizure is one of the first and most effective weapons in the arsenal of every arbitrary government.”

The State reaps other benefits beyond “putting terror in every heart.” When it can search at will, it



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destroys our most bloodless way of curbing its tyranny: ignoring it.

When the Feds outlawed alcohol, Americans en masse flouted Prohibition — and forced rulers to repeal their despotism or look even sillier than they already did.

We can't say "Ditto" for pot's equally absurd Prohibition because in the decades between its two crimes, the State triumphed massively over the Fourth Amendment. Its bullies invade our homes and businesses, eavesdrop and spy on us, force kids to pee into cups, and "[stop and frisk](#)" citizens on the street. They thereby stymie the wholesale defiance that shames government into retreat.

Perhaps the best way to preserve elephants is to sell their ivory so that villagers breed rather than battle them - but we'll never know because government with its warrantless searches ensures that its bad and tyrannical law remains in force.

All while condemning businessmen to jail.



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