PART TWO:
THE CIVIL LIBERTIES ISSUES

The customary definition of civil liberties is quite broad. It embraces the freedom to inquire, to gather the information that is necessary to control government, and the freedom to express oneself as one chooses without any reprisals from the government, including governmental information-gathering based on the content of one's expression. It embraces the right to be treated fairly by the government, in accordance with due process of law. It includes the right to be protected equally or to participate equally; it includes the right to privacy, that is, the right to be let alone; and it includes the right to obtain redress when the government or quasi-governmental agencies intrude on other rights.

Virtually all of those rights are implicated by the development of nuclear power. The right to gather information is implicated by the suggestion that information that people need about nuclear power is denied to them. The right to express oneself without fear of reprisal is implicated by the suggestion that surveillance be placed on those persons who actively protest nuclear power. The right to be treated fairly or in accordance with due process of law is implicated by the suggestion that there would be the wholesale violation of rights in the context of a nuclear emergency. The right to obtain redress is implicated by the suggestion that nuclear power companies are immune from constitutional limitations because they are private companies, despite extensive public regulation and despite the degree to which they provide an essential public service.

Aryeh Neier