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2012 elections: Bill of Rights missing

by [Nat Hentoff](#), Aspen Daily News Columnist
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If President Barack Obama is re-elected, more of us will continue to lose our constitutional rights to the presumption of innocence, basic to due process, along with other hard-won definitions of being American.

So far, Republican presidential candidate Mitt Romney has omitted any reference to how the Obama administration has gone beyond George W. Bush and Dick Cheney in ignoring the Constitution's separation of powers — and, thus, our separation from our history.

Deeply aware of the importance of this election for the future of our nation, John Hanrahan — former executive director of the Fund for Investigative Journalism and a past reporter for The Washington Post — agrees with the assessment of my congressman, Rep. Jerrold Nadler, D-N.Y., and quotes from a speech the congressman gave on the floor of the House last year:

“In the last 10 years, we have begun to let go of our freedoms, bit by bit, with each new executive order, court decision and, yes, act of Congress. We have begun giving away our rights to privacy, our right to our day in court when the government harms us, and, with this legislation (the National Defense Authorization Act), we are continuing down the path of destroying the right to be free from imprisonment without due process of law.”

In a post titled “The press needs to expose the siege of democracy, not abet it” ([niemanwatchdog.org](#), July 6), Hanrahan is speaking for the most influential organization among journalists, the Nieman Foundation for Journalism at Harvard, whose Nieman Fellows — having been awarded a year's residence — have won in their careers 99 Pulitzer Prizes.

Hanrahan is currently on special assignment for [NiemanWatchdog.org](#) — a separate program there that is intended to encourage reporters to be more aggressive in questioning the powerful.

In his column, Hanrahan points out what's vitally missing from too many sources' coverage of the 2012 presidential election by citing this reminder:

“As for the broadcast media, where is the network documentary about this rollback of civil liberties, a la the Edward R. Murrow expose of Senator Joseph McCarthy's assault on democracy back in the 1950s?”

I experienced the chilling effect of Joe McCarthy's "Red Scare" dragnet hunt for suspected communists. So dramatic were his Senate hearings that some individual states instituted their own McCarthy-like unAmerican Activities committees. So many Americans — against whom there was no actual evidence of communism — were losing their jobs, that people I knew buying books or records that could have caught Sen. McCarthy's attention insisted their purchases be wrapped so carefully as to hide their titles and authors.

But then came CBS' Edward R. Murrow and his equally fearless producer, Fred Friendly, who exposed Sen. McCarthy on "See it Now," where the senator was chief spokesman for himself. The program's revelation of how contemptuous McCarthy was of basic American values of fairness and justice had a lot to do with the U.S. Senate censuring McCarthy, following which he began to fade away.

Also underlining this kind of patriotic courage, which is not to be found now among most members of Congress who fear confronting Obama's rampant unAmericanism, Hanrahan recalls the Senate hearings by Sen. Frank Church, D-Idaho, that exposed the databasing of innocent Americans by the National Security Agency. Today, these shocking, warrantless invasions into all sorts of Americans' communications target those alleged to be "associated" with terrorists.

And dig this scary insight by Hanrahan into how we will still be targeted by ever more advanced surveillance technology under Obama or Mitt Romney:

"In a further sign of our nation's downhill trajectory, most of what Church and other civil libertarians of the time denounced as dangers to our democracy are today praised or taken for granted by our national leaders and many mainstream media commentators as the normal state of affairs, necessary to protect against every person everywhere who might harbor an intent to do the United States and its people wrong."

How long can we survive as even minimally free Americans unless we teach the next president of whichever party that, ultimately, this elected leader is responsible to us? We the People are not responsible to him.

Imagine Washington, Jefferson and Madison becoming aware of the current president of this constitutional republic going through a "kill list" to decide, on his own, which American citizen is to be assassinated! That's already happening as, to its great credit, has been revealed by The New York Times.

Hanrahan says we need "the kind of persistent and disruptive street agitation that is vital to any campaign to restore the Bill of Rights."

That's what Thomas Jefferson insisted not long after the American Revolution, when he said we are the basic guarantor of our liberties. But, he added, that requires an informed, organized people. Who is ready to start our march back to the 1787 Constitution and the 1791 Bill of Rights? How soon can we ring the Liberty Bell again?

If we don't restore the Bill of Rights, who will we be then?

There are much faster ways now to send the Committees of Correspondence around this land. And if force is used against us, that's what we faced before. And that's how we became free the first time.

Nat Hentoff is a nationally renowned authority on the First Amendment and the Bill of Rights. He is a member of the Reporters Committee for Freedom of the Press, and the Cato Institute, where he is a senior fellow.