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This is happening in America?

by **Nat Hentoff**, Aspen Daily News Columnist

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From my diary of students' awakening to the president's grave menace to their constitutional liberties: Recently, on Skype, I was discussing my memoir, "Boston Boy" (Paul Dry Books, 1986), with a class at Suffolk University in Boston. It's about growing up in a Boston ghetto during the Great Depression, when Boston was the most anti-Semitic city in the country.

While answering questions from these lively students, I wanted to find out how many of them knew about the National Defense Authorization Act (NDAA) for Fiscal Year 2012. Barack Obama signed this law, giving the president — for the first time in American history — the power to imprison indefinitely an American citizen "suspected" of "association" (without evidence) with terrorists. This fate comes without charge or trial.

What did these students think about that?

There was silence. Not a word. They seemed to be glued to their chairs.

Later, an explanation came from the history professor, Robert Allison, who had assigned the book to them. (Among his books: "The Boston Tea Party," "The Boston Massacre" and "American Eras: The Revolutionary Era (1754-1783).")

"You sure put the fear of God in them," he told me. That was strange because I'm a nonbeliever — except in the Constitution.

Describing the students' state of fear, he told me that one of them startlingly asked: "Is what he said happening in America?"

Added another: "Is anybody doing anything about it?"

Unfortunately, I haven't heard of anyone in the Obama Justice Department resigning in patriotic protest against the NDAA. (Nor, as far as I know, did anyone in the George W. Bush Justice Department resign, denouncing the Patriot Act, under which the systemic contemporary disintegration of our constitutional liberties began.)

Instead, writes Tom Engelhardt, it seems the Obama administration has been building upon this seemingly vast "national security labyrinth" ("Yottabytes, You, and the Infinitely Expansive National Security State," Tom Engelhardt, commondreams.org, April 3).

On March 22, reports Engelhardt, Attorney General Eric Holder, our chief law officer, along with Director of National Intelligence James Clapper Jr., agreed to "new guidelines allowing the National Counterterrorism Center (NCTC) ... to hold on to information about Americans in no way known to be connected to terrorism — about you and me, that is — for up to five years." Its previous limit was 180 days.

So, you or I would be a "person of interest" to the FBI and other intelligence agencies for five years. And nothing would prevent us innocents from staying in suspects' databases for many years beyond.

Is this America? Or China?

Engelhardt also points out that these new guidelines targeting We the People “hardly made a ripple” throughout the media.

Remember that when President Obama arrived in the Oval Office, he solemnly pledged his administration would be the most transparent in American history.

Next summer, during my annual lecture-interchanges with law students at Charlottesville, Va.’s Rutherford Institute — headed by John Whitehead, one of the nation’s strongest defenders of civil liberties — I’ll review the NDAA for them, reminding them of Winston Churchill’s warning:

“The power of the executive to cast a man into prison without formulating any charge known to the law, and particularly to deny him the judgment of his peers (at trial) is in the highest degree odious, and is the foundation of all totalitarian government whether Nazi or Communist” (Future of Freedom Foundation, fff.org, April 27).

Is it the foundation of our government run by Barack Obama and Eric Holder?

And while talking to these bright law students, I’ll hypothesize that some of them might wind up in the Justice Department of a president whose view of national security would lead him or her to adopt and enforce the very tyranny that is described by Winston Churchill and is contained in the NDAA.

If any of these law students in Virginia are hired by the Justice Department, would they follow these presidential orders, as is now customary?

Now, a contrasting, cheerful note amid all this tarring of our American values:

The City Council of Northampton, Mass., has unanimously passed a resolution rejecting the NDAA as unconstitutional and demanding “a restoration of due process and the right to trial” (“Northampton ‘opts out’ of federal law,” Heidi Voigt, wwlp.com, Feb 17). Sure, this is a symbolic statement meant to awaken other cities. But it is worth remembering that, after the Patriot Act was shoved through Congress in the fall of 2001, this City Council unanimously voted on May 2, 2002, to make Northampton America’s first city to denounce the un-American law, organizing a modern-day version of the Committees of Correspondence.

The result was the still very active Bill of Rights Defense Committee (BORDC). Committee member Emma Roderick proudly declares that, after Northampton’s resolution passed, “433 cities and towns ended up passing (similar) resolutions,” rousing citizens across the country, even liberating some minds across party lines in Congress. (wwlp.com, Feb 17).

This resistance to arrant tyranny first became part of our heritage when Samuel Adams and the Sons of Liberty formed the original Committees of Correspondence, a unifying source of news of British tyranny throughout the colonies that became a precipitating cause of the American Revolution.

Where are the Sons of Liberty, the Committees of Correspondence and the insistent courageous city councils now, when they are crucially needed to bring back the Bill of Rights that protect every American against government tyranny worse than King George III’s?

Where are the citizens demanding that these doorways to liberty be opened? None of the current polls listing the most demanding issues in the 2012 elections have any mention of enabling us to be free citizens again.

From now on, I’ll be asking this of any students I speak with: What are we waiting for?

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