



## Sweet land of liberty?

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I have no record as a prophet except when, at the end of Barack Obama's first year in office, I reported: "Obama is possibly the most dangerous and destructive president we have ever had" ("America Under Barack Obama: An Interview With Nat Hentoff," John W. Whitehead, [rutherford.org](http://rutherford.org), Dec. 11, 2009).

Already, he had begun to place our Fourth Amendment guarantees of personal privacy on life support. He had started to invoke the "state secrets" presidential rule to stop certain lawsuits against his government from even being heard by a judge. (This he did more than his predecessor, George W. Bush.)

But Obama's disregard of We the People's essential judicial due process rights reached its apex on New Year's Eve of 2011 -- as the citizenry were otherwise distracted -- when he signed into law Congress' passage of the National Defense Authorization Act (NDAA) for fiscal 2012, which would:

"Codify methods such as indefinite detention without charge and mandatory military detention, and make them applicable to virtually anyone ... including U.S. citizens" ("Beyond Guantanamo," Abner Mikva, William S. Sessions and John J. Gibbons, [www.chicagotribune.com](http://www.chicagotribune.com), Oct. 7, 2011).

This exasperated quotation came from three notable former federal judges. (Sessions is also a former FBI director.) Anthony D. Romero, the executive director of the American Civil Liberties Union, was also stunned:

"The statute is particularly dangerous because it has no temporal or geographic limitations, and can be used by this and future presidents to militarily detain people captured far from any battlefield" ("President Obama Signs Indefinite Detention Bill Into Law," [www.aclu.org](http://www.aclu.org), Dec. 31, 2011).

Bear in mind that when anyone is subject to our government's euphemism for imprisonment -- "detention" -- there is not a trial. So there is no lawyer to defend against "suspicious" involvement with terrorism, however "suspicious" may be defined. This includes -- says the NDAA -- involvement with "associated forces" (whatever those mean to our government). This person endangering our security can be caged until the end of hostilities.

For that to happen, he or she must have an (as yet) extraordinary life span.

Not only has the American "presumption of innocence" disappeared, but also that triumphantly American Fifth Amendment that stings prosecutors:

"No person shall be ... compelled in any criminal case to be ... deprived of life, liberty or property, without due process of law."

Those American citizens whom the NDAA may entomb could have trouble remembering what country they'd believed they were living in.

Now, enter FBI Director Robert Mueller, whom I have often criticized for his unconstitutional invasions of the Bill of Rights. Before Obama signed the NDAA into law (as he and Congress now define "law"), Mueller testified before the Senate Judiciary Committee with some serious reservations about the impact this law could have on America's actual anti-terrorism forces against such enemies as al-Qaida.

But by ordering the military to assume powers previously held by the FBI and local police, Master Strategist Obama now makes it possible, says Mueller, "that we will lose opportunities to obtain cooperation from the persons in the past that we've been fairly successful in gaining" ("Obama abandons veto on security bill that will give U.S. military powers to arrest Americans and hold them without trial," [dailymail.co.uk](http://dailymail.co.uk), Dec. 15, 2011).

Helpful in gaining this cooperation, the FBI does not torture or imprison indefinitely.

Others up high are questioning the military intelligence of our commander in chief -- not to mention his knowledge of our basic values. Explains the Daily Mail: "The head of the CIA, the director of national intelligence, the attorney general and the Pentagon were all against the legislation."

I saw very little of that covered in our media.

Furthermore, Obama's NDAA allows suspected "associates" or members of, say, the Taliban to be transferred "to the custody or control of the person's country of origin, any other foreign country, or any other foreign entity" ("Did Congress Just Endorse Rendition for Americans?" Nick Baumann, [motherjones.com](http://motherjones.com), Dec. 21, 2011).

I've been claiming, without access to classified evidence, that Obama lied when he boasted he had ended "renditions." But there they are, in the law he signed that comprehensively is the most dangerous and destructive assault on who we are as Americans in our history.

Hey, Democrats, are you all voting in lockstep with this guy? Yes, he sure is our first black president; the day after the election, I felt great. But then I saw and documented his persistent success in transmogrifying this nation.

What does the Republican leader who will almost assuredly be challenging the president's re-election have to say? I've not heard a word yet from Mitt Romney about the NDAA, nor how FBI Director Mueller and Obama continue to ambush our personal privacy rights.

Will I vote for Romney? To beat Obama, yes. How much more of who we are, though imperfect, will be left after four more years of Obama? We're not conquered by him yet. Our most powerful weapon to remain who we are, the First Amendment, is open to everyone, whatever Obama thinks of them.

Next week: I'll report on the rising number of Americans actively organizing to beat down the NDAA because they want to remain Americans. We need this coalition of believers in liberty, who won't be shoved into endless detention by an overreaching president.

Only then will this coalition get a newly elected President Romney and the next Congress to revoke the NDAA.

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.