

# New Haven Register

## **HENTOFF: Terrorism law takes away basic rights**

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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" 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 for Fiscal Year 2012.

President 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. "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.”

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 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.”

Is it the foundation of our government run by Obama and 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 Churchill and is contained in the NDAA.

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.

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 fall 2001, this city council unanimously voted to make Northampton America's first city to denounce the un-American law. The result was the still very active Bill of Rights Defense Committee.

Committee member Emma Roderick proudly declares that, after Northampton's resolution passed, "433 cities and towns ended up passing (similar) resolutions."

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