

The Times Herald

Does Paul Ryan know or care about Bill of Rights

Nat Hentoff | August 21, 2012

As a pro-lifer, I do agree with Republican vice presidential candidate Paul Ryan's belief "that life begins at conception, and it is for that reason that I feel we need to protect that life as we would protect other children" ("No Retreat in Defense of Life," Paul Ryan, The (Racine, Wis.) Journal Times, Feb. 4, 2009).

And I would be impressed with another Ryan statement except that it has a large hole in it:

"The nucleus of our society, of our economy? It's not government. It's us. It's we the people. It's the individual" ("Tea Party Hopes to Gain Large Stage in Election With Romney's Pick," Michael D. Shear, The New York Times, Aug. 13).

Sounds like James Madison, who introduced the Bill of Rights to our first Congress.

However, having researched the huge media coverage of Mitt Romney choosing Paul Ryan to be his vice president, I have found no substantive evidence that Ryan is at all actively concerned — or cares about — protecting the individual personal constitutional liberties of We the People, included in the Bill of Rights, which had to be added to the Constitution for it to function.

For example, in Congress, Ryan supported the Patriot Act "and later voted to preserve federal authorities' ability under that law to see library records in their investigations" (of terrorism) ("Ryan's voting record shows conservatism tinged with maverick streak," Stephen Dinan, The Washington Times, Aug. 11).

Imagine our Founders' reactions to the government testing their loyalty according to the books they read.

And Ryan "has supported a ban on flag burning" ("As Ryan Looks to Focus on Economy, Spotlight Shines on His Other Views," Robert Pear, The New York Times, Aug. 12).

That reminded me of a tumultuous national debate when, in 1989, the Supreme Court decided a flag burning case, *Texas v. Johnson*, by a 5-4 majority.

Writing for the majority, Justice William Brennan decided that "Johnson's burning of the flag constituted expressive conduct, permitting him to invoke the First Amendment."

Joining the majority was the renowned conservative originalist Antonin Scalia, who recently reiterated his opinion in an interview on CNN's "Piers Morgan Tonight":

"We have a First Amendment, which says that the right of free speech shall not be abridged. And it is addressed, in particular, to speech critical of the government. I mean, that was the main kind of speech (in this case) that tyrants would seek to suppress. Burning the flag is a form of expression."

I sure would like to see an in-depth debate between Ryan and Scalia on the First Amendment. Maybe CBS' "60 Minutes" could set it up.

Also, Ryan voted for the final passage of one of the very worst presidential assaults on our core protections of due process and the presumption of innocence -- the National Defense Authorization Act (NDAA) for Fiscal Year 2012. Signed into law by President Barack Obama with strong support by a majority of Congress, the NDAA gives the president the power to indefinitely imprison American citizens, without trial, by the military for vaguely implied "association" with terrorists.

Furthermore, a recent New York Times story details Ryan's close ties to Charles and David Koch, billionaire brothers and political donors ("Ryan Has Kept Close Ties to Wealthy Donors on the Right," Nicholas Confessore, Aug. 13).

That brings me to a personal involvement in this story. I am a senior fellow at the Cato Institute in Washington, D.C., a firmly independent think tank that is truly, insistently libertarian in protecting the individual constitutional liberties of We the People. This year, the Koch brothers — who had been involved in the formation of Cato, but have changed their intentions — tried very hard to take control of Cato and turn it into part of their political machine.

My colleagues at Cato let the nation know in detail about the great distance separating the values and purposes of the Koch brothers from ours at Cato, which circulates my column weekly. Because much of the media also illuminated that distance between Cato and the Koch brothers, their reputation was sullied and the Kochs retreated. So Cato remains a guardian of this republic's self-governing personal constitutional freedoms.

Meanwhile, so-called individualist Ryan — as reported by Confessore in the Times — "is one of the very few elected officials who have attended the Kochs' biannual conferences ... (of) wealthy donors."

Ryan is obviously welcome there.

But this column questioning Ryan's ties to the Bill of Rights is in no way intended to help keep the incumbent in office. As I have often reported, Obama has been

rampantly in contempt of the Constitution more often than any previous chief executive.

In November, mine will be a write-in presidential vote for Republican Sen. Rand Paul of Kentucky, who opposed extensions of the Patriot Act, because, as the Associated Press and Huffington Post reported, the law “tramples on individual liberties” (“Patriot Act Extension Passes Senate, Rand Paul Amendments Fail,” AP/The Huffington Post, May 26, 2011).

Here is part of the essence of Rand Paul: “Not only do I like the Second Amendment, I like the Fourth Amendment” (“Sen. Paul says no to domestic drones,” security.blogs.cnn.com, June 12).

At 49, Paul could be a long shot for the White House so long as we still have a working Constitution. On this year’s ticket, Romney, who enabled Ryan to vault into national attention, has a record about as empty as his protege’s on the Bill of Rights and says nothing of the Fourth Amendment being on life support.

A final Ryan pledge: “What I see myself doing is engaging in a defense of the ideas that built this country” (“Paul Ryan’s Irish Clan,” Maggie Gallagher, The New York Post, Aug. 16).

Mr. Ryan, if you’ll look at James Madison’s notes on the 1787 Constitutional Convention, you’ll find you missed the debates on the indispensable ideas that did build this country — ideas that you do not mention.

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.