

Constitution in the cross hairs

By Nat Hentoff | 7.27.12

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.

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.”

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 un-American 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 un-Americanism, 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.

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.

Nat Hentoff is an 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.