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Sweet land of liberty - Citizens resist King Obama

by Nat Hentoff

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With instant news coming at us continuously on cable and online, there may well be Americans who are unaware of the strong reaction to Barack Obama's signing of the National Defense Authorization Act (NDAA) for Fiscal Year 2012. The law impelled Kenneth Roth, the executive director of the respected Human Rights Watch, to declare: "President Obama will go down in history as the president who enshrined indefinite detention (imprisonment) without trial in U.S. law" ("U.S.: Refusal to Veto Detainee Bill a Historic Tragedy for Rights," hrw.org, Dec. 15, 2011).

This includes U.S. citizens.

Just as ignited is Judge Andrew Napolitano, the senior judicial analyst at Fox News, who, irrespective of his ultimate employer, is TV's most compellingly informed protector of the Constitution. He warns:

"Essentially, this legislation would enable the president to divert from the criminal justice system, and thus to divert from the protections of the Constitution, any person he pleases" ("Can Congress Steal Your Constitutional Freedoms?" townhall.com, Dec. 1, 2011).

As if he were our king.

Sounds like typical election year bombast, doesn't it? But as I reported last week, the president, without going to court, can cage a U.S. citizen only "suspected of association" with our terrorist enemies ("Congress, Obama Codify Indefinite Detention," Sheldon Richman, The Future of Freedom Foundation, fff.org, Dec. 27, 2011).

The Tenth Amendment Center adds: "The indefinite military detention of any person in the United States without charge or trial violates the Fifth and Sixth Amendments of the Constitution of the United States (and) Article III of the Constitution of the United States" ("NDAA: Liberty Preservation Act," tenthamendmentcenter.com).

How many students are learning any of this in the civics classes that are left in our public schools?

Among the growing number of resisters to Obama's new, radical authority to scrap our liberties, Republican Brian Nieves is sponsoring a bill in the Missouri State Senate that would establish the Missouri Liberty Preservation Act, which says:

"The state of Missouri will be prohibited from participating or providing material support for the implementation of sections 1021 or 1022 (which have been summarized in this column) of the National Defense Authorization Act for Fiscal Year 2012" (senate.mo.gov).

Resistance to what I would call an un-American law is also active in the Missouri House, where Republican State Rep. Paul Curtman has introduced his version of the anti-NDAA law. What may irritate President Obama, who counts on a strong majority of Democrats in Congress to support his monarchical wishes, is this report from Rep. Curtman:

"My fellow veterans in particular are very aware of the dangers posed by the NDAA, but this issue is obviously crossing (political) boundaries" ("Resistance to NDAA kidnapping in Missouri growing," Bryce Shonka, blog.tenthamendmentcenter.com, April 6).

And dig this, President Obama, from Rep. Curtman, a Republican:

"Every one of the dozen or so Democrats I've showed this to say they'll vote for it. That is a huge change from what I'm used to."

Let's see if this Tom Paine-like bipartisan courage of citizens in the Missouri House spreads to other state legislatures.

The Tenth Amendment Center suggests that those Missourians "who agree ... have a critical opportunity to sound the alarm among their friends, family and neighbors."

And, anticipating how difficult it has become for Democrats and Republicans to agree on anything, even if their nation's Constitution is in danger, the Tenth Amendment Center urgently adds:

"Now is the time to raise awareness of the Missouri Liberty Preservation Act and to make it known that in this case, a bill introduced by Republicans may be worth the support of Democrats and Republicans alike."

Gee, what a revolutionary idea these days!

Meanwhile, presumptive GOP presidential candidate Mitt Romney remains silent as his fellow Republicans around the country insist on protecting our elemental due process of law as the very basis of our permanent national security. Jeremy B. White reports in the *International Business Times*: "State Republican lawmakers have sponsored legislation condemning the NDAA in Washington and Virginia" ("Republicans Join Fight Against Indefinite Detention in NDAA," ibtimes.com, March 30, 2012).

I suggest that all Americans who oppose Obama's denuding the citizenry of its heritage of self-government spread the ACLU's incisive exposure of what the NDAA is doing to this and future generations:

"The law does not require even an allegation that a detained person caused any harm or threat of harm to the United States or to any U.S. interest. Mere allegation of membership in, or support of, an alleged terrorist group could be the basis for indefinite detention.

"Under the American justice system, we don't just lock people up indefinitely based on suspicion" ("Talking Points: 2012 National Defense Authorization Act (NDAA)," aclu.org, Feb. 22).

Next week: With a growing bipartisan base, other reasons to organize to keep America safe from its executive branch. Our citizens' artillery? The First Amendment underlines our rights to "peaceably ... assemble, and to petition the government for a redress of grievances."

Then, it's our "freedom of speech, or of the press" that gives us the means to rescue ourselves from the National Defense Authorization Act.

Remember: "Men (and women) are truly free only when they do not have to ask themselves whether they are free" ("The Bill of Rights: Its Origin and Meaning," Irving Brant, *New American Library*, 1967).

Do you feel free now, knowing that our president can lock away Americans based on a mist of suspicion?

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.