

# Aspen Daily News

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## Senator from the Constitution

By: Nat Hentoff - December 12, 2012

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In my more than 60 years of reporting on Congress, I have always focused on truly independent members who, regardless of party, are faithful to the Constitution. For years, an especially insistent example has been Democratic Sen. Ron Wyden of Oregon.

In “The Wyden Holdup: A Liberal’s Firm Stand,” Roll Call’s Tim Starks gets right to Wyden’s authentic Americanism as our individual liberties keep disappearing:

“The Oregon Democrat has become the Senate’s hardest line to cross on civil liberties issues in the national security arena ...

“He has been among a small handful of Democratic senators seeking the Obama administration’s legal justification for the targeted killing of U.S. citizens suspected of being overseas terrorists, requests he said have gone unfulfilled” ([www.rollcall.com](http://www.rollcall.com), Nov. 28).

And when the utterly misnamed Patriot Act was up for reauthorization in 2006, Wyden voted against it, along with nine other Democratic senators.

On the Senate floor last year, he attacked fellow members of Congress based on his investigation of Section 215 of the Patriot Act, which secretly puts much of our personal information into FBI databases:

“Many members of Congress have no idea how the law is being secretly interpreted by the executive branch, because that interpretation is classified. ... Our constituents, of course, are totally in the dark. Members of the public have no access to the secret legal interpretations, so they have no idea what their government believes the law actually means” (“Oregon Sen. Ron Wyden vs. USA Patriot Act,” [statesmanjournal.com](http://statesmanjournal.com) (Salem, Ore.), May 27, 2011).

In May 2011, Wyden voted against the reauthorization of the bill.

This year, Wyden has gone even further in combatting the executive branch’s ever-expanding actions to keep the citizenry ignorant of what’s being done to disable the Constitution’s separation of powers. He was the only member of the Select Committee on Intelligence who voted against the president’s Intelligence Authorization Act because of “anti-leak provisions that would inhibit free speech and damage the news media’s ability to report on national security issues” (“Wyden Places Hold on Intelligence Authorization

Bill,” wyden.senate.gov, Nov. 14).

Wyden argued from the floor of the Senate that “Congress should be extremely skeptical of any anti-leaks bills that threaten to encroach upon the freedom of the press, or that would reduce access to information that the public has a right to know.

“Without transparent and informed public debate on foreign policy and national security topics, American voters would be ill-equipped to elect the policymakers who make important decisions in these areas” (wyden.senate.gov, Nov. 14).

With four more years of Barack Obama, I am bound to add, only our commander-in-chief will be deciding what the public has a right to know.

As Firedoglake.com’s Kevin Gosztola perceptively reports: “The anti-leaks provisions approved by the Senate Select Committee on Intelligence were drawn up as a response to ‘leaks’ on cyber warfare against Iran, Obama’s ‘kill list’ and a CIA underwear bomb plot sting operation in Yemen. Senators like Dianne Feinstein claimed they would curb ‘unauthorized disclosures’ of ‘classified information’ from people who are not authorized to ‘leak’” (“Senator Wyden Opposes Anti-Leaks Provisions, Puts Hold on Intelligence Authorization Bill,” dissenter.firedoglake.com, Nov. 14).

Gosztola continues: “Another provision would prohibit intelligence employees from speaking to the media on background on unclassified issues, even if they would happen to be authorized. Again, this would limit media organizations’ access to sources and narrow the number of officials in the intelligence community able to provide background information for new stories...”

Supposedly, this is to strengthen national security. It’s more likely to allow the current administration to continue doing whatever it pleases without being bothered by any of us in the lowly masses.

Gosztola cites a particularly stinging element of this debate that I’ve seen little mention of elsewhere in the media:

“Yet another provision ‘would give the heads of intelligence agencies the authority to strip pension benefits from any employee or former employee that the agency head ‘determines’ is responsible for an unauthorized disclosure of classified information.’”

Naturally, Wyden, the stubborn constitutionalist, is against this provision because, he says, “it would likely ‘undermine the due process rights of intelligence community employees, and potentially be used to retaliate against whistleblowers ... As many of my colleagues will guess, I’m especially concerned about the rights of whistleblowers who report waste, fraud and abuse to Congress or Inspectors General’” (dissenter.firedoglake.com, Nov. 14).

Gosztola cites a quote from Wyden that emphasizes just how much the senator depends on the press to keep him aware of what presidents such as Barack Obama don’t want us to know:

“I have been on the Senate Intelligence Committee for 12 years now, and I can recall numerous specific instances where I found out about serious government wrongdoing -- such as the NSA’s (National Security Agency’s) warrantless wiretapping program, or the CIA’s coercive interrogation program -- only as a result of disclosures by the press.”

This would please one of our greatest defenders of press independence, James Madison.

In the next presidential election, whom would you prefer to vote for on the Democratic ticket: Hillary Clinton or Ron Wyden?

It’s time for a documentary to be done on the senator. We can show it in schools, so kids actually get to meet a politician who, rather than focus on his re-election, wants to make this a country where We The People learn to be free again.

The way we’re now being led, it could eventually be too late. Obama’s re-election may be the turning point -- but which way?

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