

Iowa View: We are allowing our liberties to be 'nibbled' away

By: Jonathan Wilson

The Biblical parable is told about a flock of 100 sheep. One gets lost and the “good shepherd” leaves the remaining 99 and goes in search of the lost one until it is found and returned to the safety of the fold.

Most folks take from that an important message about the worth of the individual and the dedication of a “good shepherd.” Both are valid messages. The individual is valuable and a dedicated leader will not ignore the plight of the individual.

I also take from the parable another lesson.

The lost sheep almost certainly didn't just run off in whatever direction and get lost. No, the lost sheep nibbled its way — wherever. It nibbled and took a step, nibbled a bit more and took another step, and so forth — not paying attention to where it was headed.

Had there been a loud noise of warning just before it was lost and too late, that would have gotten the sheep's attention and there'd have been an immediate course correction. Lacking such an attention-getting warning, the sheep kept on nibbling and stepping on its way to being lost.

So what, you say? The fact is that the same is true in human affairs, particularly as relates to our liberties. Little by little, they get nibbled away.

Post-9/11, in the name of enhanced security, we got the Patriot Act. It was so named for political purposes, not because of its adherence to the principles for which patriots have fought and died. With the 9/11 catalyst we got Guantanamo Bay detentions, admitted torture of those in U.S. custody, renditions to other torture-prone countries, “black sites” for unaccountable detentions all over the world, and unprosecuted war crimes admittedly committed by our government leaders at the highest level.

More recently, with “Gitmo” still open, we have gotten indefinite detentions, without specific charges, without due process of law, without trial, and without proof by any accountable standard — not even the mere balance of probabilities standard, let alone the criminal standard of beyond a reasonable doubt.

Thank goodness there's a judge in Spain who is investigating the admitted war crimes with an eye toward prosecution, and George W. Bush has been circumspect about foreign travel since leaving the White House out of fear of arrest. Even confined to this country, he is still “incarcerated” in relative comfort and with considerable latitude.

Most recently we got the latest defense authorization bill out of Congress. It — get this — permits the government to imprison without trial anyone who has “substantially supported al-Qaida, the Taliban, or associated forces that are engaged in hostilities against the United States.”

That includes American citizens arrested anywhere in the world, including within the United States. That includes me and you. It includes members of Congress. The act allows the president of the United States to define “supporters” of terrorism as he/she sees fit and to imprison whomever he/she chooses.

There is small comfort — in fact, no comfort at all — to be taken from the signing statement of President Obama claiming that his administration would not allow the military to detain Americans indefinitely. This provision of the defense authorization bill, that this president doesn’t intend to use, is a flagrant violation of the 4th, 5th, 6th, 8th, and 14th amendments to the U.S. Constitution, just for starters. Our Founding Fathers — our original patriots — must surely be rolling over in their graves.

Winston Churchill may have said it best in a speech at Westminster College in Fulton, Mo.: “[W]e must never cease to proclaim in fearless tones the great principles of freedom and the rights of man which are the joint inheritance of the English-speaking world and which through Magna Carta, the Bill of Rights, the habeas corpus, trial by jury, and the English common law find their most famous expression in the American Declaration of Independence.”

This article is intended as such a proclamation.

We have nibbled our way to this point. We are lost. The very foundations of our democratic system have suffered this final erosion, and it will require leadership unprecedented since the founding of our nation in order to return us to the fold of a free people.

I lack confidence that I won’t be put on someone’s watch list if this article gets published.

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