



Written by [Joe Wolverton, II, J.D.](#) on March 2, 2012

Is Constitutionalist Justin Amash's Congressional Seat in Jeopardy?

The man named by Reason magazine as the number one contender to assume the mantle of Ron Paul after the good doctor retires from Congress is supposedly in danger of losing his seat in the House of Representatives.

Congressman Justin Amash (R-Mich., left) is a man whose brave and often solitary defense of the bedrock liberties protected by our Constitution has been reported by *The New American* on several occasions. He has valiantly sought to restrain his colleagues from passing such constitutionally offensive legislation as the [Stop Online Piracy Act](#) (SOPA), the [National Defense Authorization Act](#) (NDAA), and the recently passed [Federal Restricted Buildings and Grounds Improvement Act](#) that Amash described on his Facebook page as a “good example of how government grows and our civil liberties are violated right under our noses.”



Despite his exemplary constitutionalism, or perhaps because of it, a story recently published by [Politico](#) claims that Amash's re-election by the folks in his district is increasingly in jeopardy:

A Democratic poll shows Michigan freshman GOP Rep. Justin Amash vulnerable to a Democratic challenge in the newly configured 3rd Congressional District.

Amash, a libertarian who has clashed with his own party, registers only a 25 percent favorability rating and begins a race against a lesser known Democrat up by just 11 points, according to the Greenberg Quinlan Rosner Research memo shared with POLITICO.

Unremarkably, the questions were, Politico explains, purposefully “designed to roll out the red carpet” for the Grand Rapids attorney and county commissioner being courted by the Democrats to challenge Amash.

Politico describes the finagling:

After voters are read a positive profile on each candidate, the gap closes to just 2 points for Amash, 48 percent to 46 percent.

In the final test, using a “balanced battery of negatives on both candidates,” it's 47 percent to 43 percent with [Steve] Pestka in the lead.

While this sort of survey gymnastics shouldn't overly concern voters or those interested in keeping a solid constitutionalist in Congress, it is a reminder that the price of liberty is eternal vigilance.



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Just how much does Amash's mien mirror that of his mentor, Ron Paul? On the Amash re-election campaign's [official website](#), there is no end of links to stories about Paul's own campaign, but in one post Amash praises Dr. Paul "for advancing a message of liberty, peace, and prosperity — the message of America's founding."

Representative Amash doesn't just rely on 21st-century social media to deliver his conservative message (although he certainly is in the vanguard of that movement), however. In a letter written by Amash and several of his congressional colleagues (including four Democrats), the gentleman from Michigan's 3rd District explains his view of the errors of the NDAA:

Our Constitution does not permit the federal government to detain American citizens indefinitely without charge or trial. We strongly believe in protecting the country's security and equipping our Armed Forces with the tools they need to defeat our enemies. But we cannot support measures that, in the name of security, violate Americans' constitutional rights.

As readers likely know well, the National Defense Authorization Act was signed into law on December 31, 2011 by President Barack Obama and in that over-500-page legislation there are at least two sections (1021 and 1022) that grant the President plenary power to deploy the U.S. military to apprehend, arrest, and indefinitely detain American citizens that he (and he alone) suspects of posing a military threat to the security of the nation.

Furthermore, the writ of habeas corpus — a civil right so fundamental to Anglo-American common law history that it predates the Magna Carta — is voidable upon the command of the President and the Sixth Amendment right to counsel is also revocable at his will.

Simply put, by signing the NDAA into law, President Obama has given himself absolute power to arrest and detain citizens of the United States without their being informed of any criminal charges, without a trial on the merits of those charges, and without a scintilla of the due process safeguards protected by the Constitution of the United States.

The "[silent and gradual encroachments](#)" on liberty perpetrated by the federal government have become louder and more accelerated than James Madison could have imagined. Washington's war on state sovereignty and individual liberty will not decelerate, and therefore the urgent need for representatives committed to faithfully execute their oaths of office has never been greater.

As mentioned earlier, Justin Amash was one of only three members of the House of Representatives to vote against passage of the Federal Restricted Buildings and Grounds Improvement Act, a measure Amash described as the "First Amendment Rights Eradication Act."

On a [recent wall post](#) regarding the bill, Amash railed not only against the act, but against those who pushed it through the Congress, and the manner in which the majority of media coverage has grossly understated (or outright ignored) the damage it does to the First Amendment:

Current law makes it illegal to enter or remain in an area where certain government officials (more particularly, those with Secret Service protection) will be visiting temporarily if and only if the person knows it's illegal to enter the restricted area but does so anyway. [H.R. 347] expands current law to make it a crime to enter or remain in an area where an official is visiting even if the person does not know it's illegal to be in that area and has no reason to suspect it's illegal... [And to] show you the extent to which the public is misled and misinformed about the legislation we are voting on, read one prominent media outlet's coverage of the same bill:

<http://thehill.com/blogs/floor-action/house/212873-house-approves-white-house-trespass-bill-sends-to-ob>



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[ama](#) The report mischaracterizes not only current law but also the changes proposed by the bill.

The foregoing should serve to strengthen the resolve of not only Michganders, but all devoted patriots, to seek out and support all of those men and women who have demonstrated their sincere commitment to constitutional principles of liberty and limited government.

In support of its thesis that the memo it received from the polling firm places Amash's electoral prospects in a precarious position, Politico claims that the incumbent "registers only a 25 percent favorability rating." This assertion is absolutely antipodean to a story run by an online news source from Grand Rapids. [MLive.com reports](#) that "Freshmen Rep. Justin Amash has consistently received one of the highest approval ratings from his constituents since he was elected in 2010 at nearly 70 percent."

Beyond the bias that Politico points out in the survey method employed by the pollsters, could it be that Politico itself displays in its own leanings in its favorability rating dictum?

Finally, the Pestka-Amash contest may be just a straw man created to engender discord in the newly reformed 3rd Congressional District. As stated above, Pestka has not announced his intention to seek Amash's seat. In fact, only one Democrat, [Trevor Thomas, from Grand Rapids, has formally announced](#) that he will run against Amash. Thomas is described by supporters as "a fighting Progressive who is "is willing to fight for a woman's right to choose." He has received the endorsement of the Canadian-born former governor of the Wolverine State, Jennifer Granholm.

Representative Amash is the Chairman of the House [Liberty Caucus](#) and a member of the Common Ground Caucus.



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