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## The Death of the First American Republic

By Mark A. LeVine  
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The American Republic died last week. At least the first one.

Is there any other way to understand the meaning of the Military Commissions Law passed by the Congress and signed by President Bush? Without any serious opposition from Democrats (twelve of whom actually voted for the bill, while none offered a serious threat to filibuster it), President Bush has signed into a law a bill that guts the right of habeas corpus, legalizes the use of secret and coerced evidence, "clarifies" the Geneva Conventions to allow torture on his command, prevents future war crimes prosecutions, and arrogates to himself the right to declare anyone - including American citizens - enemy combatants, who can be dragged from their families, thrown in any prison he chooses, anywhere on earth, for however long he chooses.

There have been other terrible laws and legal decisions in American history, to be sure. The confinement of native Americans to reservations, Jim Crow, the Dread Scott decision, the internment of Japanese Americans during World War II - all these and more rank among the lowest points in our nation's history. But these actions were in keeping with the morality of their times. At least we, the people of the United States of America, continued to move closer toward the "truths" we've held to be self-evident since our Declaration of Independence. They remained a beacon calling Americans to a future that would be more just and democratic.

But who can believe the future holds such a promise today? Has there been another moment in our history when we have gone so far backward, abandoned so easily ideals and values that most Americans

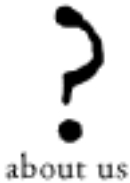
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assumed were settled long ago? Are we still living in the republic of Jefferson and Madison?



France, for reasons never quite clear to me before today, has had five republics. The first four were undone by military defeat, dictatorship, or the inability of the existing constitution to meet the political realities of the day. (The Fourth Republic ended when military officers staged what amounted to a coup in the French colony of Algeria, and threatened to conduct a parachute assault on Paris unless Charles de Gaulle was named President. Let's hope our generals in Baghdad don't feel the need to resort to such a tactic to preserve their or the country's honor).

Could it be that our blessed Constitution, one of the greatest documents ever penned by woman or man, is no longer capable of guaranteeing the truths that since the Declaration have been self-evident? Surely the present combination of unparalleled corporate power and greed, a messianic, divinely-appointed president, and a citizenry lulled into complacency by decades of unconstrained consumption, presents among the greatest challenges ever to our Constitutional system.

Or perhaps the situation is, as I fear, even worse than this.

Perhaps we Americans no longer hold the truths enshrined in the Declaration of Independence - "that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the pursuit of Happiness" - to be so self-evident. How else to explain the nearly complete acquiescence of our society to this new law, and to all the abuses, from the launching of a disastrous war on demonstrably false pretenses, to torture and indefinite detention, unending occupation, unconstitutional eavesdropping, and other betrayals of our founding ideals, that have led up to its passage last week?

On Monday, the Jewish holiday of Yom Kipper, Chapters 57 and 58 of the Book of Isaiah is read in synagogues the world over. I am not a religious person, but the Prophet's words have profoundly shaped my values and world view. In this reading, or Haftorah, Isaiah reminds the Israelites that God, who dwells "on high, in holiness," also - indeed, because of His position - "dwells with the lowly and humiliated." And it is precisely from this vantage point that God chastises Israel for its arrogance and conduct toward the less fortunate in its midst: "For your sin of greed I grew angry and smashed you, I even hid My face. Yet you wander off the path as your own heart, wayward, takes you ..."

God orders Isaiah to "cry out aloud, don't hold back ... Tell My people what they are doing wrong." Israel didn't listen, and so went into exile for a second time, to Babylon. But there it took the words of Isaiah and the other prophets to heart, and so was allowed to return to the Holy Land for one more go at fulfilling the terms of its Covenant with God.

Who will warn us today as Isaiah did Israel all those millennia ago, and will we pay more attention than did our ancestors? Do we even realize that we are quickly leaving civilization behind to wander in a wilderness far more dangerous than the threat of a host of bin Ladens? Hillary Clinton? Al Gore? John McCain?

Note: The translation of Isaiah was made by Rabbi Arthur Waskow, and after checking the original Hebrew I feel it more accurately reflects its meaning than most commonly read English versions. The complete text of these two chapters can be read [here](#).

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*Mr. LeVine is professor of modern Middle Eastern history, culture, and Islamic studies at the University of California, Irvine, and author of the forthcoming books: Why They Don't Hate Us: Lifting the Veil on the Axis of Evil; and Overthrowing Geography: Jaffa, Tel Aviv and the Struggle for Palestine, 1880-1948. He is also a contributor, with Viggo Mortensen and Pilar Perez, to Twilight of Empire: Responses to Occupation.*

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