THE

END

OF

# AMERICA

LETTER OF WARNING
TO A
YOUNG PATRIOT

# NAOMI WOLF

A CITIZEN'S CALL TO ACTION

THE

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## AMERICA

TO A
YOUNG PATRIOT

# NAOMI WOLF

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### STEP TEN

n 2007, I wrote a book, *The End of America: Letter of Warning to a Young Patriot*. In it, I warned, based on my study of closing democracies in twentieth century history, that America needed to beware of an all-too-possible slide into totalitarianism.

I warned that would-be tyrants, whether they are on the left or the right, always use a map to close down democracies, and that they always take the same ten steps. Whether they "Invoke an External and Internal Threat" or "Develop a Paramilitary Force" or "Restrict the Press" or the final step, "Subvert the Rule of Law," these steps are always recognizable; and they always work to crush democracies and establish tyrannies. At that time, the "global threat" of terrorism was the specter that powers invoked in order to attack our freedoms.

The book was widely read and discussed, both at the time of its publication and for the last thirteen years. Periodically over the last decade, people would ask me when and if we had reached "Step Ten."

We—my brave publisher, Chelsea Green, and I—are releasing the first and last chapters of *The End of America* now, in 2021, for free. And I am calling the sequel to this book, which I am now writing, *Step Ten*—because as of March of last year, we have indeed, I am so sad to say, arrived at and begun to inhabit Step Ten of the ten steps to fascism.

Though in 2007, I did not explicitly foresee that a medical pandemic would be the vehicle for moving the entire globe into Step Ten, I have at various points warned of the dangers of medical crises as vehicles that tyranny can exploit to justify suppressions of civil rights. Today, a much-hyped medical crisis has taken on the role of being used as a pretext to strip us all of core freedoms, that

fears of terrorism did not, in spite of twenty years of effort, ultimately achieve.

In 2015, I was widely mocked in mainstream news outlets for warning about the hysteria that accompanied Ebola reporting, and I cautioned then that infectious diseases could be used as a justification for ushering in the suppression of liberties, always under the guise of emergency measures. In 2020, I showed in my book *Outrages: Sex, Censorship and the Criminalization of Love* how infectious disease epidemics, such as cholera and typhus, had been exploited in the nineteenth century by the British state in order to crush freedoms and invade people's privacy. I wrote about how the first anti-vaccination movements arose among British parents in the Victorian period. That book was initially cancelled, and its message of warning has been continually assailed.

But that book too was prescient. In early March of 2020, of course, a global pandemic was announced: COVID-19.

In the immediate wake of the announcement and narrativization of that pandemic, most of the elements of a locked-in, 360-degree totalitarianism have been put into place, in most of the countries of the West, including in what had been robust democracies. It all happened very quickly and comprehensively.

In the United States we now have:

- Emergency measures in many states, which suspend due process of law. This is the hallmark of a police state. COVID-19 is invoked as the reason for the introduction of emergency law—but there is no endpoint for lifting these emergency laws.
- 2. The closures of schools, which break the social contract with the next generation.
- 3. Bills being passed for "vaccine passports," which bypass the Fourth Amendment to the constitution by allowing the government and Big Tech companies to intrude on medical privacy, and to create a comprehensive digital surveillance

state. (Indeed, the fact that tech stocks rose by 27% each quarter of the pandemic shows one driver of this war against the human: Every minute human beings spend in a classroom, at the pub or restaurant, or in a church or synagogue, is time that tech companies lose money by being unable to harvest that data. COVID-19 policies driven by "COVID-19 Response"—actually, by Big Tech companies—ensure that humans are not allowed to connect except via digital platforms. The reason is profit as well as social control).

- 4. Forced closures of businesses. By intervening directly in the economy and allowing certain businesses to flourish (Amazon, Walmart, Target) at the expense of small businesses, Main Street shops, restaurants, and sole proprietor businesses in general, the State has merged government and corporations in a way that is characteristic of Italian fascism and modern Chinese communism.
- 5. Restrictions on assembly. Some states such as California are fining people for seeing their friends in their homes, and making it unlawful for kids to have playdates with their friends. Massachusetts restricted gatherings of more than ten people at a time, forcing synagogues and churches to stay closed, in spite of a Supreme Court ruling against states forcing churches to close. Parks and playgrounds and beaches have been closed off. In countries such as Britain, people are fined for leaving their homes for more than an hour's exercise a day.
- 6. Forced face coverings. In Massachusetts, people are fined if they are not wearing masks outdoors—even children as young as five are forced to do so by law. Again, this mandate has not been undergirded by peer reviewed studies showing medical necessity; and there is no endpoint proffered for these extraordinary violations of personal freedom.
- 7. Suppression of free speech. Big Tech companies are censoring critics of COVI-19 policy and vaccine policy, as well

as censoring views that are on the right hand of the political spectrum. *Incitement*, a word that has a long history in the twentieth century for closing down free speech, has been weaponized by the left to shut down First Amendment freedoms of expression. In other forms of censorship and management of speech and public debate, tycoons such as Bill Gates have been funding major news outlets, with millions of dollars directed to "COVID-19 education." As a result, dissenting voices are marginalized and shamed, or even threatened with legal action or job losses.

- 8. Science being hijacked in the interests of "biofascism." By heavily funding scientific commentators such as Dr. Fauci in the United States, Imperial College and SAGE in the U.K., and Dr. Christian Drosten in Germany, a dominant set of policies and pronouncements about COVID-19 that benefit a small group of bad actors—notably tech and pharmaceutical interests, acting in concert with governments—have had secured, credentialled supporters. But when other scientists or institutions seek debate or transparency, they are threatened with job loss or are reputationally attacked, as in the case of Dr. Simon Goddeke of the Netherlands, who was told to keep quiet by his university when he challenge the flawed COVID-19 PCR test protocols.
- 9. Data being hijacked to serve the interests of this biofascism. This manipulation of truth, which I foreshadowed in *The End of America*, is typical of the Soviet censors. COVID-19 platforms such as Covid19Tracking and Johns Hopkins University, funded by technocrats such as Michael Bloomberg, serve unverifiable COVID-19 data that directly affect the stock markets. Again, while this un-American merger of corporate interests and public policy is reminiscent of Italian fascism, the twist provided by digital data presentation and its relationship to the stock market is very much of the twenty-first century.

- 10. Attacks on religious minorities. The orthodox Jewish community in Brooklyn and Christian churches in California have been singled out for punishment if they do not follow COVID-19 rules—a targeting of religion that is characteristic of communist policies on the left, especially in China.
- 11. Policies that weaken bonds between human beings and weaken the family being introduced and policed. This is the most serious development of all.

The new biofascism, very much driven by Big Tech leaders, is a war against human beings and the qualities that make us human.

Masks break human beings' ability to bond face to face and enjoy human contact, smiles, and jokes. Masks turn down the effectiveness of human "technology," essentially, by making it hard for us to "read" each other and to pick up social cues. Forbidding assembly keeps us from forming human alliances against these monstrous interests. Forbidding human assembly also prevents new cultures, new heroes, and new business models from arising. We are all stuck with the Rolodex and the ideas we had in March of 2020.

Forcing kids to distance at school and wear masks, ensures a generation of Americans who don't know *how* to form human alliances, and who don't trust their own human instincts. Those are counterrevolutionary training techniques.

Driving all learning onto (already prepared) distance learning platforms ensures that kids do not know how to behave in human space, space not mediated by technology.

Many COVID-19 policies seem designed to ensure that humans will have no "analog" space or "analog" culture left—no way to feel comfortable simply gathering in a room, touching one another as friends or allies, or joining together.

Lastly, driving all human interaction onto Zoom (which is a window for the CCP, as China owns the platform) is not only a way to harvest all of our tech, business secrets, and IP—it is a way to

#### INTRODUCTION

ensure that intimacy and connection in the future will be done online and that human face-to-face contact will be killed off.

Why is this? Why develop policies that punish, encumber, and restrict human contact in analog (unsurveilled, unmediated) spaces?

Because human contact is the great revolutionary force when it comes to human freedom and resistance to this form of comprehensive biofascism—the biofascism represented by the New Normal—the medico-fascist Step Ten.

Now let me recap from the year 2007 and read you my intro to *The End of America*, as well as the warning at the close of that book.

Its message has never, sadly, been more timely. This time, the threats to freedom that were then justified by terrorism, have reclothed themselves in the trappings of a medical pandemic.

But this time we do not just face a war on freedom. This time we face a war on human beings, and on all that makes us human.

### TEN STEPS

America was opened after the feudal mischief was spent. We began well. No inquisitions, here, no kings, no nobles...

RALPH WALDO EMERSON

### Dear Chris:

am writing because we have an emergency.

Here are U.S. news headlines from a two-week period in the late summer of 2006:

July 22: "CIA WORKER SAYS MESSAGE ON TORTURE GOT HER FIRED." Christine Axsmith, a computer security expert working for the CIA, said she had been fired for posting a message on a blog site on a top-secret computer network. Axsmith criticized waterboarding: "Waterboarding is torture, and torture is wrong." Ms. Axsmith lost her job as well as her top-secret clearance, which she had held since 1993. She fears her career in intelligence is over.<sup>1</sup>

July 28: "DRAFT BILL WAIVES DUE PROCESS FOR ENEMY COMBATANTS." The Bush administration has been working in secret on a draft bill "detailing procedures [for] bringing to trial those it captures in the war on terrorism, including some stark diversions from regular trial procedures. . . . Speedy trials are not required. . . . Hearsay information is admissible . . . the [military] lawyer can close the proceedings [and] can also order 'exclusion of the defendant' and his civilian counsel." Those defined as "enemy combatants" and "persons who have engaged in unlawful belligerence" can be held in prison until "the cessation of hostilities," no matter when that may be or what jail sentence they may get.<sup>2</sup>

July 29: "THE COURT UNDER SIEGE." In June 2006, the Supreme Court ruled that denying prisoners at Guantánamo judicial safeguards violated the Geneva Conventions and U.S. law. The Supreme Court also insisted that a prisoner be allowed to be present at his own trial. In response, the White House prepared a bill that "simply revokes that right." *The New York Times* editorial page warned, "It is especially frightening to see the administration use the debates over the prisoners at Guantánamo Bay and domestic spying to mount a new offensive against the courts."<sup>3</sup>

July 31: "A SLIP OF THE PEN." U.S. lawyers issued a statement expressing alarm at the way the president was overusing "signing statements." They argued that this was an exertion of executive power that undermined the Constitution. Said the head of the American Bar Association, "The threat to our Republic posed by presidential signing statements is both imminent and real unless immediate corrective action is taken."

August 2: "BLOGGER JAILED AFTER DEFYING COURT ORDERS." A freelance blogger, Josh Wolf, 24, was jailed after he refused to turn over to investigators a video he had taken of a protest in San Francisco. Jane Kirtley, a professor of media ethics and law at the University of Minnesota, said that, although the jailing of American journalists was becoming more frequent, Mr. Wolf was the first American blogger she knew of to be imprisoned by federal authorities.<sup>5</sup>

August 2: "GOVERNMENT WINS ACCESS TO RE-PORTER PHONE RECORDS." "A federal prosecutor may inspect the telephone records of two *New York Times* reporters in an effort to identify their confidential sources" according to *The New York Times*. A dissenting judge speculated that in the future, reporters would have to meet their sources illicitly, like drug dealers meeting contacts "in darkened doorways."

August 3: "STRONG-ARMING THE VOTE." In Alabama, a federal judge took away powers over the election process from a Democratic official, Secretary of State Worley, and handed them over

to a Republican governor: "[P]arty politics certainly appears to have been a driving force," argued the *Times*. "The Justice Department's request to shift Ms. Worley's powers to Governor Riley is extraordinary." When Worley sought redress in a court overseen by a federal judge aligned with the Bush administration, she wasn't allowed her chosen lawyer. It was "a one-sided proceeding that felt a lot like a kangaroo court" cautioned the newspaper. She lost.<sup>7</sup>

Why am I writing this warning to you right now, in 2007? After all, we have had a congressional election giving control of the House and the Senate to Democrats. The new leaders are at work. Surely, Americans who have been worried about erosions of civil liberties, and the destruction of our system of checks and balances, can relax now: See, the system corrects itself. It is tempting to believe that the basic machinery of democracy still works fine and that any emergency threatening it has passed—or, worst case, can be corrected in the upcoming presidential election.

But the dangers are not gone; they are regrouping. In some ways they are rapidly gaining force. The big picture reveals that ten classic pressures—pressures that have been used in various times and places in the past to close down pluralistic societies—were set in motion by the Bush administration to close down our own open society. These pressures have never been put in place before in this way in this nation.

A breather is unearned; we can't simply relax now. The laws that drive these pressures are still on the books. The people who have a vested interest in a less open society may be in a moment of formal political regrouping; but their funds are just as massive as before, their strategic thinking unchanged, and their strategy now is to regroup so that next time their majority will be permanent.<sup>8</sup>

All of us—Republicans, Democrats, Independents, American citizens—have little time to repeal the laws and roll back the forces that can bring about the end of the American system we have inherited from the Founders—a system that has protected our freedom for over 200 years.

I have written this warning because our country—the democracy our young patriots expect to inherit—is in the process of being altered forever. History has a great deal to teach us about what is happening right now—what has happened since 2001 and what could well unfold after the 2008 election. But fewer and fewer of us have read much about the history of the mid-twentieth century—or about the ways the Founders set up our freedoms to save us from the kinds of tyranny they knew could emerge in the future. High school students, college students, recent graduates, activists from all walks of life have a sense that something overwhelming has been going on. But they have lacked a primer to brief them on these themes and put the pieces together, so it is hard for them to know how urgent the situation is, let alone what they need to do.

Americans expect to have freedom around us just as we expect to have air to breathe, so we have only limited understanding of the furnaces of repression that the Founders knew intimately. Few of us spend much time thinking about how the system they put in place protects our liberties. We spend even less time, considering how dictators in the past have broken down democracies or quelled pro-democracy uprisings. We take our American liberty for granted the way we take our natural resources for granted, seeing both, rather casually, as being magically self-replenishing. We have not noticed how vulnerable either resource is until very late in the game, when systems start to falter. We have been slow to learn that liberty, like nature, demands a relationship with us for it to continue to sustain us.

Most of us have only a faint understanding of how societies open up or close down, become supportive of freedom or ruled by fear, because this is not the kind of history that we feel, or that our educational system believes, is important for us to know. Another reason for our vagueness about how liberty lives or dies is that we have tended lately to subcontract out the tasks of the patriot: to let the professionals—lawyers, scholars, activists, politicians—worry about understanding the Constitution and protecting our rights. We think

that "they" should manage our rights, the way we hire a professional to do our taxes; "they" should run the government, create policy, worry about whether democracy is up and running. We're busy.

But the Founders did not mean for powerful men and women far away from the citizens—for people with their own agendas or for a class of professionals—to perform the patriots' tasks or to protect freedom. They meant for us to do it: you, me, the American who delivers your mail, the one who teaches your kids.

I am one of the citizens who needed to relearn these lessons. Though I studied civics, our system of government was taught to me, as it was to you, as a fairly boring explication of a three-part civil bureaucracy, not as the mechanism of a thrilling, radical, and totally unprecedented experiment in human self-determination. My teachers explained that our three-part system was set up with "checks and balances," so that no one branch of government could seize too much power. Not so exciting: this sounded like "checks and balances" in a bureaucratic turf war. Our teachers failed to explain to us that the power that the Founders restrained in each branch of government is not abstract: it is the power to strip you and me of personal liberty.

So I needed to go back and read, more deeply than I had the first time around, histories of how patriots gave us our America out of the crucible of tyrants, as well as histories of how dictators came to power in the last century. I had to reread the stories of the making and the unmaking of freedom. The more I read these histories, the more disturbed I became.

I give you the lessons we can learn from them in this pamphlet form because of the crisis we face.

Like every American, I watched the events of September 11, 2001, with horror. Then, like many, I watched the reactions of the administration in power at first with concern, then with anxiety, and then, occasionally, with shock. I started feeling that there was something familiar about how events, at times, were unfolding.

Because of the déjà vu I was starting to feel when I read the newspaper every day, I began to take a second look at how leaders in the past had cracked down on societies over which they had gained control; I looked with special attention at what had happened when a leader brought about a shift from a pluralistic, democratic society to a dictatorship.

#### HISTORICAL ECHOES

I began to think of these examples as "historical echoes"—not *proof* that someone influential in the administration had studied the details of mid-twentieth-century fascism and totalitarianism, but certainly suggestive.

What was it about the image of a mob of young men dressed in identical shirts, shouting at poll workers outside of a voting center in Florida during the 2000 recount, that looked familiar? What resonated about the reports that Bush supporters in the South were holdings organized public events to burn CDs by the Dixie Chicks? (CDs are actually quite hard to burn and produce toxic fumes.) What seemed so familiar about an organized ideological group shaming an academic for saying something unpopular—and then pressuring the state government to get the university president to fire that professor? What was so recognizable about reports that FBI agents were stopping peace activists at airports? Why did the notion of being "greeted as liberators" feel so familiar and phrases such as "hiding in spider-holes" sound so familiar?

These events may *seem* to have historical echoes because they actually *are* mirrored in history.

No one can deny the skill of fascists at forming public opinion. I can't prove that anyone in the Bush administration studied Joseph Goebbels. I am not trying to. All I am doing is noting echoes.

As you read you may notice other parallels—usually in the details of events. The Bush administration created a policy post-9/11 about liquids and air travel. Increased security restrictions led to airport security guards forcing some passengers to ingest liquids: A Long Island mother, for instance, was forced to drink from three bottles filled with her own breast milk prior to boarding a plane at JFK. Other adult passengers have been forced to drink baby formula. In Benito Mussolini's era, one intimidation tactic was to force citizens to drink emetics and other liquids. German SS men picked this up: They forced Wilhelm Sollmann, a Social Democrat leader, for instance, to drink castor oil and urine. Of course baby formula is not an emetic. But a state agent—some agents are armed—forcing a citizen to ingest a liquid is a new scene in America.

In 2002 the Bush administration created and named the "Department of Homeland Security." White House spokespeople started to refer to the United States, unprecedentedly, as "the homeland." American presidents have before now referred to the United States as "the nation" or "the republic," and to the nation's internal policies as "domestic."

By 1930 Nazi propagandists referred to Germany not as "the nation" or "the republic"—which it was—but rather as "the Heimat"—"the homeland." Homeland is a word that memoirist Ernestine Bradley, who grew up in Nazi Germany, describes as saturated with nationalist power: "Heimat is a German word which has no satisfactory equivalent in other languages. It denotes the region where one has been born and remains rooted. . . . Longing to be in the Heimat causes the incurable disease of Heimweh." Deputy Fuhrer Rudolf Hess, introducing Hitler at a Nuremberg rally, said, "Thanks to your leadership, Germany will be attainable as the Homeland—Homeland for all Germans in the world." A Department of Domestic Security is simply a bureaucracy, capable of mistakes; a department protecting our "homeland" has a different authority.

In 2001 the USA PATRIOT Act let the federal government compel doctors to give up confidential medical records without a warrant demonstrating probable cause. Your previously private interaction with your doctor is now subject to state scrutiny.<sup>21</sup> (Nazi law in the 1930s required German doctors to disclose citizens' previously private medical records to the state.)

In 2005 Newsweek reported that Guantánamo prisoners had seen the Koran being flushed down toilets. Under pressure from the White House, the magazine ran a correction: It had not interviewed direct witnesses to the practice.<sup>22</sup> But human rights organizations did confirm accounts of similar abuses of the Koran.<sup>23</sup> (In 1938, the Gestapo forced Jews to scrub out the toilets with their sacred phylacteries, the *tfillin*.)<sup>24</sup>

Amnesty International reports that U.S. interrogators torment prisoners in Iraq by playing heavy metal at top volume into their cells night and day.<sup>25</sup> (In 1938, the Gestapo tormented imprisoned Austrian premier Kurt von Schuschnigg by keeping the radio on at top volume, night and day.)<sup>26</sup>

An Iraqi human rights group complained that, in 2004, U.S. forces seized the innocent wives of suspected insurgents and held the women hostage to pressure their husbands to turn themselves in. <sup>27</sup> (In Joseph Stalin's Russia, secret police took hostage the innocent wives of dissidents accused of "treason," to pressure their husbands to turn themselves in.)<sup>28</sup>

When the United States invaded Iraq, Vice President Dick Cheney promised that we would be "greeted as liberators." (When the German army occupied the Rhineland, Nazi propaganda asserted that the troops would be welcomed as liberators.)

President Bush argued that the prisoners in Guantánamo Bay could be treated harshly because they were not covered by the Geneva Conventions. (Nazis asserted that the troops invading Russia should treat the enemy especially brutally, because they were not covered by the Hague Conventions.)<sup>29</sup>

After 9/11, then-National Security Advisor Condoleezza Rice

and Vice President Cheney coined a new phrase: America was now on a "war footing." Superficially, it was a stirring word choice. But if you thought about it, it was also kind of an *odd* word choice, because America was not actually at war. What *is* a "war footing"? (Nazi leaders explained, after the Reichstag fire, that Germany, which was not actually at war, was from then on a permanent "*kriegsfusz*"—literally, a "war footing.")

The Bush White House "embedded" reporters with U.S. military units in Iraq. Uncritical coverage of the war expanded considerably. (National Socialist propaganda officials embedded reporters and camera crews with their own armed forces: Filmmaker Leni Riefenstahl was embedded with Nazi troops in Poland;<sup>31</sup> U.S. correspondent William Shirer drove with German units into occupied France.<sup>32</sup>)

The Bush administration unloads coffins of dead American soldiers from planes at night and has forbidden photographers to take pictures of the coffins.<sup>33</sup> (National Socialists unloaded the coffins of the German war dead at night.)

The White House announced, beginning in 2002, that there were terrorist "sleeper cells" scattered throughout the nation. A "sleeper cell," press reports explained, was a group of terrorists that had merged into ordinary American life, waiting, perhaps for years, for the signal to rise up and cause mayhem.

A wave of reporting asserted that the FBI had located a sleeper cell in Lodi, California. After an informant had been paid hundreds of thousands of dollars to spy on Muslims, the FBI detained a Muslim father, Umer Hayat, and his son, Hamid Hayat. <sup>34</sup> The two men explained that they had confirmed an imaginary sleeper cell to end a terrifying series of interrogations. <sup>35</sup>

Another much-publicized sleeper cell identified four Muslim men in Detroit. Attorney General John Ashcroft claimed that the men had had advance knowledge of 9/11;<sup>36</sup> federal authorities charged that they were part of a "sleeper cell plotting attacks against Americans overseas," as news reports put it.<sup>37</sup> The Justice

Department heralded the arrests as one of its biggest hits in the War on Terror.

The phrase *sleeper cell* entered deeply into the American unconscious, even becoming the plot of a 2005 TV movie. But in 2006, Richard Convertino, the prosecutor of the Detroit case, was indicted on charges of trying to present false evidence at the trial and concealing other evidence, in his attempt to back up the government's theory about the men. All charges were dropped against the men, and the Justice Department quietly repudiated its own case. But you probably didn't hear about that, and the creepy sleeper-cell narrative stayed in the atmosphere to trouble your dreams.

Sleeper cell was a term most Americans had never heard before. It is a phrase from Stalin's Russia, where propagandists said that imaginary cells, consisting of agents of "international capitalism"—that is, us—had been sent by the U.S. government to infiltrate Soviet society. These secret agents would pose as good Soviet comrades, living quietly among their neighbors but just awaiting the day when, at a signal, they would all rise up to commit mayhem.<sup>39</sup>

When the 2006 terrorist plot against U.S.-bound planes was uncovered in London, an FBI official gave a much-quoted sound bite: "If this plot had actually occurred, the world would have stood still." FBI guys don't usually speak in cadences of dark poetry. (Of his plans in 1940, Hitler said, "The world will hold its breath." 41)

These echoes are worth noticing—but are not ultimately that important. What *is* important are the structural echoes you will see: the way dictators take over democracies or crush prodemocracy uprisings by invoking emergency decrees to close down civil liberties, creating military tribunals, and criminalizing dissent.

Those echoes are important.

So I read about Mussolini's Italy in the 1920s; Stalin's Russia and Hitler's Germany in the 1930s; I read about East Germany in the 1950s and Czechoslovakia in the 1960s and Chile in 1973, as well as about other Latin American dictatorships; I read about Communist China in the late 1980s and early 1990s.

The countries I looked at were very different, of course, and the violent dictators had a broad range of ideologies. Stalin imposed totalitarianism over a communist state, itself built upon the ruins of a toppled monarchy. Mussolini and Hitler both came to power legally in the context of fragile parliamentary democracies. East Germany and Czechoslovakia were communist systems, and China still is; and General Augusto Pinochet closed down Chile's young democracy in a classic Latin American military coup d'état.

Violent dictators across the political spectrum all do the same key things. Control is control. In spite of this range of ideological differences, profound similarities in tactics leap off the pages. Each of these leaders used, and other violent dictators around the globe continue to borrow, the same moves to close down open societies or crush dissent.

There are ten steps that are taken in order to close down a democracy or crush a prodemocratic movement, whether by capitalists, communists, or right-wing fascists. These ten steps, together, are more than the sum of their parts. Once all ten have been put in place, each magnifies the power of the others and of the whole.

Impossible as it may seem, we are seeing each of these ten steps taking hold in the United States today.

But America is different! I can hear you saying.

There is no guarantee that America is different if Americans fail to take up the patriot's task.

At times in our own history our commitment to freedom has faltered. The Alien and Sedition Act of 1798 made it a crime for Americans to speak critically—to "bring into contempt or disrepute"—of then-President John Adams and other U.S. leaders. But Thomas Jefferson pardoned those convicted under these laws when he took office.

During the Civil War, President Lincoln suspended habeas corpus, effectively declaring martial law in several states: Close to 38,000 Americans were imprisoned by military authorities during the war, many for simply expressing their views. But when the war ended in 1865, the Supreme Court ruled that it had been unconstitutional for military tribunals to try civilians.

In 1918, labor leader Eugene Debs was arrested for giving a speech about the First Amendment; he got a ten-year jail sentence. Raids swept up hundreds of other activists.<sup>42</sup> But after World War I ended, the hysteria subsided.

During World War II, the Justice Department rounded up 110,000 innocent Japanese Americans and imprisoned them in camps. When the war was over, these innocent Americans were released as well.

Anticommunist anxiety led the nation to tolerate the McCarthy hearings; but the pendulum swung back, and Senator Joe McCarthy himself was condemned by his colleagues.

I am describing the movement of "the pendulum"—as in the American cliché, "The pendulum always swings back." We are so familiar with, and so reliant upon, the pendulum. That is why you are so sure that "America is different." But the pendulum's working depends on unrestricted motion. In America, up until now, the basic checks and balances established by the Founders have functioned so well that the pendulum has always managed to swing back. Its very success has made us lazy. We trust it too much, without looking at what a pendulum requires in order to function: the stable framework that allows movement; space in which to move; that is, liberty.

The pendulum cannot work now as it has before. There are now two major differences between these past examples of the pendulum's motion and the situation we face today.

First, as Bruce Fein of the American Freedom Agenda and writer Joe Conason have both noted, previous wars and emergencies have had endpoints. But President Bush has defined the current conflict with global terrorism as being open ended. This is a permanent alteration of the constitutional landscape.

The other difference between these examples and today is that when prior dark times unfolded in America, we forbade torture, and the rule of law was intact. Legal torture, as you will see, acting in concert with the erosion of the rule of law, changes what is possible.

So, because I was looking at something unprecedented in our nation's history, I had to read the histories of many forms of state repression, including the most extreme.

I had to include Nazi Germany in my scrutiny of repressive governments. Many people are understandably emotionally overwhelmed when the term "Nazism" or the name "Hitler" is introduced into debate. As someone who lost relatives on both sides of my family in the Holocaust, I know this feeling. I also know that there is a kind of intellectual etiquette, an unwritten rule, that Nazism and Hitler should be treated as stand-alone categories.

But I believe this etiquette is actually keeping us from learning what we have to learn right now. I believe we honor the memory of the victims of Nazism with our willingness to face the lessons that history—even the most nightmarish history—can offer us about how to defend freedom.

In looking at other violent dictatorships, including Germany's, I am not comparing the United States in 2007 to Nazi Germany or Bush to Hitler. The two nations and leaders inhabit different worlds. There will not be a coup in America like Mussolini's March on Rome or a dramatic massacre like Hitler's Night of the Long Knives. But certain threads are emerging that have connections to the past. I *am* calling your attention to important lessons from history about how fragile civil liberties are and how quickly freedom can be lost. I ask you to quiet your understandable aversion long enough to walk with me through the material I have to show you.

The ten steps to dictatorship are basic.

In September 2006, military leaders staged a coup in Thailand,

which had been a noisy democracy. In a matter of days, the coup leaders ticked through many of the ten steps, as if they had a shopping list. In a sense they did.

They deployed armed guards in residential neighborhoods, sent lawmakers home, shut down the free press, took over the staterun television, threatened critics with arrest, put new limits on travel, restricted protest, and discontinued the parliamentary rule of law. Thailand was a police state within a matter of days.<sup>43</sup>

We are seeing each of the basic ten steps being put into place here in the United States today—more quietly, more gradually, and sometimes more elegantly; but each is underway.

My sense of alarm comes from the clear lessons from history that, once certain checks and balances are destroyed, and once certain institutions have been intimidated, the pressures that can turn an open society into a closed one turn into direct assaults; at that point events tend to occur very rapidly, and a point comes at which there is no easy turning back to the way it used to be.

The fascist shift does not progress like a diagonal line rising steadily across a chart. Rather, it progresses in a buildup of many acts assaulting democracy simultaneously, which then form a critical mass—what writer Malcolm Gladwell would call a "tipping point." The pressure from this set of assaults suddenly pushes the nation into a new and degraded reality. The turning points can be mapped as vertical lines—the point at which prisoners lost the right to habeas corpus, for instance, is one—which then plateau into the nation's new normal. The nation acclimates; then this process begins again at that greater level of suppression.

What got to be really scary in my reading was how predictable events become, once you are familiar with the blueprint. By the beginning of August 2006, for instance, it seemed like a good bet that the Bush administration would soon move on from the detainee bill that it had been secretly preparing to seek Congressional authorization for creating a prison beyond the rule of law where torture could take place. This was accomplished by October 2006. In

September 2006, I thought that it was likely that some of the first prisoners to be tried in Guantánamo by the new military commission system would be white and English speaking. Indeed, that happened by April 2007. It also seemed probable that White House spokespeople would begin to use terms such as *treason*, *espionage*, *subversion*, and *aiding the enemy* to describe criticism, press scrutiny, dissent, and even simple departure from alignment with White House goals. From the blueprint, I thought it was unsurprising when the administration started to criminalize speech in new ways. This began to happen in earnest by May 2007.

When the U.S. attorney scandal came to light in March 2007 and there was still little information, because I had been reading a biography of Goebbels I remarked to a friend, "I bet the attorneys were in swing states." By the next week, it had been confirmed that most of them were in fact in swing states. All this supposition was not rocket science; it was simply that each of these is a classic move in the playbook of a fascist shift.

Everything changed in America in September 2006, when Congress passed the Military Commissions Act.<sup>44</sup> This law created a new legal reality that heralds the end of America if we do not take action. Yet most Americans still do not understand what happened to them when that law passed.

This law gives the president—any president—the authority to establish a separate justice system for trying alien unlawful enemy combatants. It defines both "torture" and "materially support[ing] hostilities" broadly. The MCA justice system lacks the basic protections afforded defendants in our domestic system of laws, in our military justice system, or in the system of laws used to try war criminals—Nazi leaders got better civil liberty protection than alien enemy combatants, as did perpetrators of genocide like Slobodan Milosovic. And persons accused by the president (or his designees) of being alien unlawful enemy combatants are forbidden from invoking the Geneva Conventions, a treaty that represents the basic protections of justice common to all civilized

nations. The United States has signed the Geneva Conventions and agreed to abide by them, and this repudiation is a radical departure from our traditions. Under the MCA, the government can use "coerced" interrogation to obtain evidence. Finally, and perhaps most damagingly, the MCA denies unlawful alien enemy combatants the right to challenge the legitimacy of their confinement or treatment. So, while the MCA provides all sorts of rules that the military is supposed to follow, it will be difficult, if not impossible, to hold anyone accountable for breaking those rules.

But this is not all. The president and his lawyers now claim the authority to designate any American citizen he chooses as being an "enemy combatant"; and to define both "torture" and "material support" broadly. They claim the authority to give anyone in the executive branch the power to knock on your door, seize you on the street, or grab you as you are changing planes at Newark or Atlanta airports; blindfold you and put earphones on you; take you to a cell in a navy prison; keep you in complete isolation for months or even years; delay your trial again and again; and make it hard for you to communicate with your lawyer. The president claims the authority to direct agents to threaten you in interrogations and allow into your trial things you confessed to while you were being mistreated.

The president claims the authority to do any of those things to any American citizen now on his say-so alone. Let me repeat this: The president asserts that he can do this to you even if you have never committed a crime of any kind; "enemy combatant" is a status offense. Meaning that if the president says you are one, then you are.

Human rights groups raised the alarm early on about what this law might mean to the many innocent foreign detainees who had been swept up in the machinery of Afghan prisons and sent to Guantánamo. Some congressional leaders have warned us about what this law might do to our own soldiers, if they are taken as POWs. But most ordinary citizens did not understand what

Congress had done—not to anonymous, possibly scary, brown people on a faraway island, but to them. Most Americans still do not understand.

Last September, concerned about the legal arguments being put forward by the Department of Justice, I called a friend who is a professor of constitutional law.

"Does the administration assert that the president can define anyone he wants to as an 'enemy combatant'? Including U.S. citizens?" I asked.

"Yes," he replied.

"And does it argue that courts must defer to the government's assertions that someone should be held as an enemy combatant, even when it presents no direct evidence?"

"Yes," he replied.

"So doesn't that mean they are saying that now any of us for any reason he decides can be seized off the street and imprisoned in isolation for months and interrogated?"

"Yes," he said.

"So why isn't anyone saying that?"

"Some people are. But a lot of people probably think it would just sound crazy," he replied.<sup>45</sup>

## SUBVERT the RULE of LAW

I do solemnly swear... that I will faithfully execute the office of President of the United States, and will to the best of my ability, preserve, protect and defend the Constitution of the United States.

#### PRESIDENTIAL OATH OF OFFICE

n March 2007, a scandal erupted in which eight—later, nine—U.S. attorneys were abruptly fired, perhaps with Attorney General Alberto Gonzales's knowledge. Internal Justice Department e-mails indicated that they had been targeted as being insufficiently loyal to White House policies.

New Mexico's U.S. attorney David Iglesias received an intimidating phone call from a Republican official who was upset that Iglesias hadn't prosecuted a Democratic voter registration group. Iglesias thought that there had been insufficient evidence to warrant prosecution.

In the congressional uproar that followed, e-mails showed that while only eight prosecutors had actually been ousted, the e-mails had discussed the possibility of purging all of the U.S. attorneys. The e-mails stressed that in this eventuality, the department should stay resolute in the face of the inevitable blowback.

Congress called for subpoenas of Karl Rove and Harriet Miers. (As of this writing, Bush is simply invoking executive privilege to let him ignore the subpoenas.) But commentators were still puzzled at first: *Why* had the administration purged these attorneys, and why might it have considered purging the entire corps of U.S. attorneys?

(On April 7, 1933, in one day, recall, when Goebbels purged the civil service—specially targeting state attorneys and judgesthe baseline measure was "loyalty." How would a purge of "disloyal" U.S. attorneys in 2007, more than a year before the next national election, serve these leaders?

Remember the Alabama case of Secretary of State Worley, in which her authority to oversee the voter rolls was taken away? The Justice Department has enormous power over elections. And U.S. attorneys have the power to decide which voting registration groups to investigate and potentially prosecute.

Think again about 2008. Now think about human nature.

We assume, with our habits of democracy, that we can simply "throw the bums out" in the 2008 election.

But do people change direction so dramatically? Is it reasonable—is it really a matter of common sense—to assume that leaders who are willing to abuse signing statements, withhold information from Congress, make secret decisions, lie to the American people, use fake evidence to justify a preemptive war, torture prisoners, tap people's phones, open their mail and e-mail, break into their houses, and now simply ignore Congress altogether—leaders with, currently, a 29 percent approval rating—will surely say, come 2008, "The decision rests in the hands of the people. May the votes be fairly counted"?

In trusting that "the pendulum will swing" when it is time for the votes to be counted, we are like a codependent woman with an abusive boyfriend; surely next time he will do what is right.

It's a truism that the definition of madness is to do the same thing over and over and expect a different outcome. If for eight years this group has flouted other equally precious rules of the democratic game, aren't we rash to assume that this same group will see a transparent, fair election as sacrosanct? The Founders asked us to err on the side of vigilance when it came to liberty. History and current events around the world—Nigeria, Turkey, Ukraine, the Philippines—show many examples of leaders in weak or weakening democracies who were able to "coordinate" the civil bureaucracy with their cronies; they then tamper with the vote and sully the outcome of elections.

If there had been a purge so that all the U.S. attorneys were Republicans in 2008, what would happen in an even somewhat close presidential election?

Would that be America?

We in America are used to a democratic social contract in which there is agreement about the rules of the game: When Congress demands an answer, for instance, the president does not simply refuse to pick up the phone. So we keep being startled when the steps of the democratic interplay are ignored: "He can't do that!" It's time to notice that that they are playing a different game altogether.

Look at this president's use of "signing statements." The debate about this has taken place mostly among lawyers rather than among citizens, and lawyers are not tasked with explaining to ordinary Americans what that neutral, bland term *signing statements* actually means. So many of us don't get what a dramatic threat they represent.

Bush has used more signing statements than any other president. The way Bush is using signing statements essentially relegates Congress to an advisory role. This abuse lets the president choose what laws he wishes to enforce or not, overruling Congress and the people. So Americans are living under laws their representatives never passed. Signing statements put the president above the law.

So given such moves, why take for granted that this administration will uphold the rules of a free, fair election? Just because the steps of democracy have prevailed for more than 200 years does not guarantee that they will prevail tomorrow.

Fascists coming to power in a weakened democracy simply start to ignore those assumed agreements. What has happened in the past is that at a certain point in a weakening democracy, would-be dictators pretend that everything is as it should be but simply stop responding to the will of the people and the representatives. While the nation is trying to grapple with this interim period, then such

leaders deploy sudden unexpected changes that assertively upend Parliamentary protocols and expectations.

At this point, the speed of these moves itself is disorienting: It takes people some time to figure out what has happened. (In a very moving scene, Italian legislators were still frantically trying to engage in standard political negotiations with Mussolini—even as he simply waited for them to realize that the time for negotiating was over.) That psychological hangover—that delay in "getting it"—is a very dangerous time. This is the moment when action is most necessary, and this is the moment when the window is closing.

In Italy and Germany, legislators kept believing that they were still engaged in the negotiated dance of democracy—even as the militaristic march of dictatorship had already begun.

At a point in both Mussolini's and Hitler's takeovers, citizens witnessed a stunning series of quickly escalating pronunciamentos or faits accomplis. After each leader made his bids for power beyond what the Italian Parliament and the German Reichstag allowed him, each abruptly started to claim all kinds of new rights that were extraparliamentary: the right unilaterally to go to war, to annex territory, to veto existing laws, or to overrule the judiciary.

"I am not a dictator," said Hitler in 1936. "I have only simplified democracy." 2

At this stage, shock follows shock so quickly that the civil society institutions start to reel. At this point, in weaker democracies than ours, the police forces and the army are negotiated with. In any late shift, the final stage is the establishment of government by emergency decree or actual martial law and the leader's assertion—usually using the law to defend this assertion—that he is above the law, or that he *is* the law: the decider.

This is a classic coup: In Chile, in 1973, during a national strike, rumors circulated daily that there would be a military coup.

Early in the day on September 11, 1973, the military left their barracks before dawn and occupied most of the radio stations. They began broadcasting marches and periodic bulletins that they were assuming control of the country. They offered [President] Allende a plane to fly out of the country and declared a national curfew that would begin at 11:00 A.M. Informed of the military's demands, Allende first told all the workers to go into the streets and defend the government, but he later changed his mind and asked them to remain alert at their factories. Allende refused to surrender, so at noon the air force bombed the national palace. Allende died. . . . The military began arresting a number of prominent government leaders while others sought refuge in foreign embassies.<sup>3</sup>

Some opposition members tried to resist but found they could not overcome the power of the military. The game was quickly over.

Pinochet even had a commission rewrite the Constitution; the logic of the rewrite is echoed in the U.S. Fiscal Year 2007 Defense Authorization Bill: The military could intervene on behalf of the state whenever there was a threat to the state.

Historically, the shift to martial law, or to government by emergency decree, generally takes place during a crisis. A crisis allows a would-be dictator even in a democracy to use emergency powers to restore "public order." This kind of thing won't happen in America.

But we now have a legal infrastructure in place that could support a "paper coup"—a more civilized, more marketable version of a real crackdown.

At the end of September 2006, with little outside debate, Congress passed the Fiscal Year 2007 Defense Authorization Bill—a bill that, according to journalist Major Danby, represents "a sizeable step toward weakening states' authority over their [National] Guard units." He continues: "The provision make[s] it easier for the President to declare martial law, stripping state gover-

nors of part of their authority over state National Guard units in domestic emergencies."

This guts the *Posse Comitatus* Act, the provision that the states control their own National Guard units. When the president invokes section 333, he may expand his power to declare martial law and take charge of the National Guard troops without the permission of a governor when "public order" has been lost; he can send these troops out into our streets at his direction—overriding local law enforcement authorities—during a national disaster epidemic, serious public health emergency, terrorist attack, or "other condition." He can direct these troops to disperse citizens—that is, us—and direct them to stay in their homes. The president must submit a report to Congress within 24 hours—after the fact, nonetheless.

According to this new provision, the president on his or her say-so alone can send troops from Tennessee to quell what he or she calls a threat to civil order—say, a peace march—in Oregon, over the objections of governors of both states. The president can send what has become his or her army, not the people's, into our nation's streets and not just this president, but any president in the future may do this.

Vermont Senator Patrick Leahy warned, though few paid much attention, that the 2007 Defense Authorization Bill would serve to encourage a president to declare martial law.<sup>5</sup>

A *New York Times* editorial marked the shift—even as Americans were focused on Britney Spears's meltdown and the question of which airline serves the worst food: "A disturbing recent phenomenon in Washington is that laws that strike to the heart of American democracy have been passed in the dead of night. . . . Beyond actual insurrection, the president may now use military troops as a domestic police force in response to a natural disaster, a disease outbreak, terrorist attack or any 'other condition.'"

We scarcely remember how terrified the Founders were of a standing army with the power to override the leadership of the states. The Revolutionaries knew how quickly a standing army can become bloody janissaries subduing local citizens. The Revolutionaries were certain that an American president, if he was not checked, might raise a standing army of Americans and unleash it against American citizens. This was not a far-fetched notion to them at all. They cherished their state militias as belonging to the people and responsive to the people, precisely because of this fear of a centralized American power taking up arms against them.

"If, by some turn of events, the federal government did manage to encroach on, assault, the powers of the states or vice versa, and threaten the union, the people could defeat it because the power of a republic rests in its citizens," the Federalists reassured worried fellow-citizens. The Framers believed that this kind of military aggression was not possible so long as the Constitution functioned: They could not foresee the fiscal year 2007 Defense Authorization Bill. Nor could they have foreseen the development of private armies such as Blackwater. But their passionate debates, and the Second Amendment to the Constitution that they eventually ratified, make it clear that the Founders were desperate to protect the new nation from just what has happened while we were distracted, while we were shopping online, while we were in a Ambien-heavy sleep on the couch.

In the last phase of a fascist shift, all of the pressures that we have spelled out here tighten around ordinary citizens, working together in a kind of full-circle torsion: At this point, these pressures ensure that there is no democratic movement left. The pendulum comes to a standstill.

Of course, you will take up the Founders' banner so that can never happen.

I will say again that the United States is not vulnerable to the violent, total closing down of the system that followed Mussolini's March on Rome or Hitler's roundup of political prisoners. Our press, military, and judiciary are too independent for a scenario like that.

But there are erosions possible in all of our institutions, that could close down our experiment in democracy in ways that would look very American and familiar, but still leave us less than free.

Say, for instance, God forbid, that in a year and a half there is another terrorist attack. Say we have a President Rudolph Giuliani—or even a President Hillary Clinton. If the crisis is severe enough, the executive can and perhaps should declare a state of emergency.

But without checks and balances, history shows that any leader, of any party, will be tempted to maintain emergency powers after the crisis has subsided. In the absence of traditional checks and balances, President Hillary Clinton endangers us no less than President Giuliani. Any executive will be tempted to enforce his or her will through edict rather than submitting to the arduous process of negotiation and compromise. The Founders knew, as I wrote at the start of this primer, that excessive power was certain to corrupt equally. This danger is not about partisanship; it is about power.

Our representatives, judiciary, and press do their work today in a context in which we are "at war" in what a White House acronym calls GWOT—Global War on Terror: a war without end, on a battlefield described as the globe. So a hollowness has been expanding under the foundation of all these still-free institutions and the foundation can yield with certain kinds of pressure.

Knowing what you know now about how easy it is to close down an open society, I have to ask you to consider a series of "what-ifs." It is only if we face the what-ifs that we can act to make them impossible.

What if, because of a reported "threat to public order," the National Guard, now reporting directly to the president, were backed up with Blackwater personnel?

What if, close to the election, a Democratic voters' mobilization group were infiltrated, so that Democratic voters' names and addresses were all over the Internet? What if, as a result, you didn't believe your vote would be secret? What if some of the members of voters' groups were prosecuted for minor crimes or for immigration violations by more compliant U.S. attorneys than the nine who were purged? Those events would feel like plausible setbacks in what would still seem like home: The events would feel like an American drama, not like a beer hall putsch. But what if those kinds of events became more and more the norm?

Would that be the end of America?

What if a *Washington Post* reporter covering a story reported a classified list of detainee rights activists that had been leaked to him by a concerned civil servant? What if that reporter were charged under the 1917 Espionage Act, convicted, and sent to prison for a decade? How would it affect you to read about it the next morning?

You would read about it. If history is a guide, newspapers would continue to publish. But they would suddenly become very polite.

Would that be the end of America?

Think of the Palmer raids.

Now imagine the Palmer raids under today's legal conditions: Imagine that an equivalent of Eugene Debs—say, the head of Amnesty International—is arrested for giving a speech against torture; he is sent to a navy brig where he waits in isolation for three years to see a lawyer.

Would that be the end?

This is the United States Constitution: "The privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it."

Now listen to this exchange:

ARLEN SPECTER: Now wait a minute, wait a minute. The Constitution says you can't take [habeas corpus] away except in the case of invasion or rebellion. Doesn't that mean you have the right of habeas corpus unless there is an

#### Subvert the Rule of Law

invasion or rebellion?

ALBERTO GONZALES: I meant by that comment, the Constitution doesn't say, "every individual in the United States or every citizen is hereby granted or assured the right to habeas." It doesn't say that. It simply says the right of habeas corpus shall not be suspended. . . . <sup>8</sup>

Whatever scenario led Gonzales and his colleagues to think that one through—will *that* be the end?

### GLOBAL AMERICA

I have written this book first as an American speaking to Americans. But the scenario that is unfolding has immense implications internationally.

If the United States continues on this dark road further, then truly, as James Baldwin once said, "There is no safety." America's aspirations have long been global; and at our best we have offered our example as a benchmark for democracy throughout the world. But if the United States does stay this course, what "city on a hill" can shed light internationally as powerfully as we, at our best, have done?

The United States has stood for the rule of law in the past: We set a standard for other leaders and set a point of aspiration for other citizens. If we lose that, what force on Earth will stem any barbarism that any despot wishes to impose on his people?

The bureaucrats of the European Union? The fragmented voices of the United Nations?

Egyptian security forces just rounded up some of its citizens: They threw opposition leaders and a blogger in jail. When challenged, the Egyptians invoked the example of the USA PATRIOT Act.

If Fascist Germany—a medium-sized modern European state—

could destabilize the globe in a matter of a few years, and it took a world war to overcome the threat, what force on Earth might restrain an America that may have abandoned the rule of law—an America with its vastly greater population, wealth, and land mass; its far more sophisticated technology; its weapons systems; its already fully established global network of black-site secret prisons, and its imperial reach?

If a democratic America, with working checks and balances, often exempts itself from international agreements when its strategic interests don't coincide with international goals, would a United States led by a dictatorial regime be likely to subdue in itself any level of aggression internationally or restrain itself from any plunder of resources that it seeks, simply because it was upsetting the rest of the world?

If we keep going down this road, the "end of America" could come, for each of us, in a different way, at a different moment. Each of us might experience a different event that would force us to look back and think: "That is how it was before—and this is the way it is now"; when each of us alone realizes we must yield a little further our memories of a certain grace and fineness and courage that was alive in the world for a bit longer than 230 years.

Or else we can stop going down this road: We can stand our ground, and fight for our nation, and take up the banner the Founders asked us to carry.

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