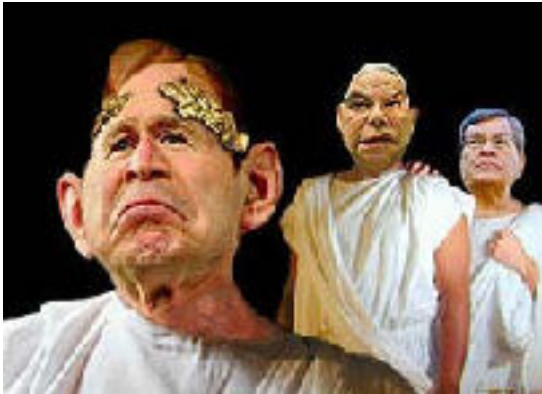


Borgia 11: The Flight to Brindisium

Written by Giles Weaver



In January of 49 BC, Julius Caesar crossed the Rubicon River with his battle hardened Thirteenth Legion and ignited a civil war in the Roman Republic. Pompey, the acting Proconsul of Rome, and the majority of Roman senators fled for the nearby town of Brindisium. Caesar marched unopposed into Rome and the ensuing power struggle soon transformed the five hundred year old Republic into a greedy bloody Empire ruled by dictators.

The “compromise” on the legal treatment of terrorist detainees reached in Congress this week (amongst madmen and fools) reminds me of this flight of the Roman senators to Brindisium -- abandoning the Republic to its fate at the hands of a tyrant. On its heels, the Republican leadership is set to pass a warrant less wiretapping bill as well. These are yet more examples that our system of checks and balances has effectively been eliminated and replaced with a crass and venal spectacle that resembles something out of a Bosch painting. The senators have left the city. Our only hope now is that the Supreme Court, whose decision in the Hadman case led to this toxic piece of legislation, will exercise its power as a coequal branch of government and strike the “torture” and “wiretapping” bills down. Only nine people stand between Caesar and the Republic.

To characterize this legislation as either anti-terrorist or pro-terrorist is so vacuous and insulting it reveals how bankrupt and sleazy our national leadership has become.

I think these fear mongers would be hard pressed to find an actual flesh and blood American, regardless of where they fall on the political spectrum, who would go on record as saying they don't want terrorists arrested, tried, and brought to justice. To infer anything else is desperate and cowardly – two traits which seem to be prerequisites to serve in Congress these days. Considering the trend toward suicide missions, the shadowy Kafkaesque legal system confidently moving through our rubber stamp Congress may not only be an unconstitutional insult to the rule of law and common human decency, but a rather lonely and futile profession at that.

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So, what's wrong with it? The suspension of habeas corpus for starters. In the United States:

The writ of habeas corpus ad subjiciendum is a civil (as opposed to a criminal) proceeding in which the court inquires as to the legitimacy of a prisoner's custody. Typically, habeas corpus is also used as a legal avenue to challenge other types of custody such as pretrial detention or detention by the [Bureau of Immigration and Customs Enforcement](#) pursuant to a deportation proceeding. Proceedings investigate whether a criminal trial was conducted fairly and constitutionally after the criminal appellate process has been exhausted.

Habeas corpus is one of the foundations of our entire common law system. It says so in our 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." ([Article One](#) , section nine).

That's in Article One. ONE. The threat of extremists who use terror tactics certainly does not rise to a "case of rebellion" or "invasion." Thus, its suspension is clearly unconstitutional, not to mention turning the clock back to an era of absolute monarchs who exercised authority without regard for any type of human rights. Without it, we are just Stalin with better toys.

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Abraham Lincoln suspended habeas corpus during the Civil War in certain areas of the country. I'm sure we can all agree that a civil war raging in our own cities and towns that turned the colonies into something akin to modern day Iraq (see Sherman's March) is a much different and more dire set of circumstances than the "war on terror," and can certainly be described as a "case of rebellion" and "invasion" during which the public safety was at risk (rifles and cannons have a sneaky way of putting the public at risk). Even then, the U.S. Circuit Court in Maryland overturned Lincoln's actions and history condemned him for playing with the Bill of Rights and Constitution.

Now the most corrupt and incompetent administration in American history, and the robotic bloodless Congress which enables it, wants more power with which to exercise its Midas touch of failure, and is once again herding us through the fun house, hoping that we won't be bothered by the deformed reflection of ourselves we see in the mirrors. Our entire system of government is slowly being dismantled in front of our eyes, and the only analysis our mainstream media offers is that we should celebrate this "compromise" as a victory for American security and proof that the Republican Party will protect us. It's as if our pundits and politicians were born human, but as the humanity drains out of them at an alarming rate they have gradually become cartoon characters, mere drawings and caricatures of something that once was real.

For over fifty years the United States was locked in an existential "cold" war with the Soviet Union. Not once during this period did the United States suspend habeas corpus.

There are other serious flaws with this bill. For example, it gives the President authority to determine who is an enemy combatant, not the courts, and gives the President authority to interpret treaty obligations and interrogation methods. I don't care if you're the biggest George W worshipping zombie in the world, these powers should scare the living devil out of you. This presidential privilege doesn't end with George W. Bush, but will give future Presidents a dangerous precedent with which to exercise legal powers like a monarch. Though one party rule legitimized through an extensive and sophisticated propaganda system and legalized tiny piece by tiny piece by a ruling corrupt elite is all the American rage these days, some day in the future the President will be from the political party YOU hate. Do you want them to have the power to declare YOU an "enemy of the state?" How about throw you in jail for months without charging you with anything? Without the writ of habeas corpus? And you are tried in a military court without access to the evidence being presented against you? But YOU don't have to worry about that! You're not a terrorist. You're just a naïve fool who believes, contrary to mountains of facts, that your government would never do anything to harm YOU. Why do you think we have three branches of government in the first place? It's certainly not for reasons of efficiency. It's because we're all born greedy power hungry killers.

The official story changes day by day. On Monday, Afghanistan is liberated and free, Al Qaeda is a small, mostly defeated, terrorist organization that is unable to operate on a global scale, and because of the tireless efforts of our President and Congress (how many days were those slackers in session?) we are a much safer nation, the war in Iraq is now the front lines in the war on terror, and we are just around the corner from victory. There is nothing to fear – go shopping until we bomb Iran. On Tuesday, Al Qaeda is an Islamofascist (WTF?) force on a scale comparable to the NAZIS and Stalin’s Soviet Union, and its power and allure stretches from Spain to Indonesia, and whatever civil liberties that must be sacrificed at home to keep us safe is a small price to pay to be protected from this global and seemingly unstoppable war machine. Which is it? Supporters of these bills want it both ways.

Our government’s checks and balances designed to keep power out of the hands of a single person are now synonymous with “coddling terrorists,” “hating America,” and “defeatism.” I imagine the drafters of our Constitution would be in an uproar if they knew the visionary and reasoned architecture of their American Republic is now being called “defeatism” by people who have neither vision nor reason. It’s the greatest crime story in American history, but the media prostrates itself before Caesar, welcoming the seeds of its own comical demise with open arms.

This whole sordid affair reminds me of another story – a book I read as a child called, “The King’s Fifth.” During the time of the Spanish conquistadors, a young mapmaker travels to find gold in what is now the southwestern United States. He and his traveling companions find a great treasure, but the boy is put in prison for not giving the King of Spain his fifth of the gold. The King’s legal authority over the mapmaker extends over continents and oceans to the mythical cities of the Americas. Such is the life of a man without habeas corpus.

The road is no longer uncertain. Jacta Alea Est. Caesar is at the gates. Our senators have fled to Brindisium. King George the Mad will get his fifth -- and the Republic will fall like the towers.

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