

# Arson Seen in Attack on Ex-Israeli Spy

**Exclusive:** Suspected arson destroyed the Montreal home of ex-Israeli intelligence officer Ari Ben-Menashe, who says he escaped through a rear door. It's unclear if the fire was an assassination attempt to finally silence a man who has angered the Israeli government, powerful Republicans and others, writes Robert Parry.

By Robert Parry

Ex-Israeli intelligence officer Ari Ben-Menashe says he narrowly survived a possible assassination attempt Sunday night when his upscale home in Montreal was set ablaze in what Canadian authorities are describing as suspected arson. Police cited how quickly the house was ravaged and noted that a suspicious person was seen fleeing the scene shortly after the fire began.

In a phone call with me on Monday, Ben-Menashe said that when he detected the fire, he alerted a woman staying in the house to flee and then was able to escape through a back door. But he said everything inside was destroyed, including his passport, personal papers and his clothing. "Everything is gone," Ben-Menashe said.

Ben-Menashe said he believed the fire was set with "a Molotov cocktail" but he had no clear idea who might have tried to kill him. He did acknowledge that he has a number of enemies around the world resulting from his past as an Israeli intelligence officer and his more recent work as an international consultant often working in global hotspots.

Among Ben-Menashe's enemies are some of his former Israeli superiors who consider him a traitor for exposing sensitive Israeli secrets and powerful Republicans, including former President George H.W. Bush whom Ben-Menashe fingered as involved in national security scandals in the 1980s.

Ben-Menashe, who served in Israeli military intelligence in the 1970s and 1980s, was arrested in the United States in 1989 for his involvement in military sales to Iran. He says the Israeli government then urged him to plead guilty to the U.S. charges, but he refused and began disclosing Israeli secrets to journalists, including me in early 1990 when I was a correspondent for Newsweek magazine.

At first, the Israeli government denounced Ben-Menashe as an "impostor" but after I obtained official Israeli letters of reference describing his decade-long work within the External Relations Department of the Israel Defence Forces,

Israeli officials changed their story. They labeled him simply “a low-level translator.” But the letters described Ben-Menashe’s service in “key positions” and said he handled “complex and sensitive assignments.”

Despite the evidence that Israeli officials had first lied and then retreated to a new cover story, the Bush administration and the Israeli government managed to galvanize friendly journalists who went out of their way to discredit Ben-Menashe as a compulsive liar. [For details about one of the key denouncers of Ben-Menashe, see Consortiumnews.com’s [“Unmasking October Surprise ‘Debunker’”](#).]

However, Ben-Menashe convinced a New York jury that he indeed had been working on official Israeli business in his transactions with Iran. He was acquitted in fall 1990. Ben-Menashe also continued to give interviews and provide testimony about the secret dealings involving Republicans and the Israeli government.

### **October Surprise Allegations**

Perhaps Ben-Menashe’s most controversial claim was that he and other Israeli intelligence officers assisted the Republicans in brokering a deal with Iran’s Islamic regime of Ayatollah Ruhollah Khomeini in 1980 to hold 52 American hostages until after the U.S. election to ensure President Jimmy Carter’s defeat. As a result of this so-called October Surprise caper, the hostages were not released until Jan. 20, 1981, immediately after Ronald Reagan was sworn in as U.S. President, Ben-Menashe said.

After leveling his October Surprise accusations in 1990-1991 and providing investigative journalist Seymour Hersh information about Israel’s nuclear program for his book *The Samson Option* Ben-Menashe was essentially a man on the run from both the Israeli government and the U.S. administration of George H.W. Bush.

Ben-Menashe sought refuge in Australia, arriving in spring 1991, still carrying his Israeli passport. After obtaining Ben-Menashe’s Australian immigration records, journalist Marshall Wilson reported that Ben-Menashe requested what amounted to political asylum.

Dated May 15, 1991, [Ben-Menashe’s 25-page declaration](#) stated: “My case is an unprecedented case of political persecution by two governments. It was an attempt by Israel and the United States to cover up their relations with Iran since 1979.”

Ben-Menashe detailed the curious circumstances of his 1989 arrest while on a private visit to the U.S. and added: “I was not willing to keep quiet and be discredited by pleading guilty to the bogus charges. I did not accept my government’s proposal to do so. Any arms sales to Iran that I was involved in

was solely in the capacity of being an employee of the Israeli government. Everything I did was authorised by the appropriate authorities in the Israeli and United States governments.

“Since I did not go along with the program and decided I would truthfully defend myself in court, I was disowned by the Israeli Government and will be prosecuted for breaking the Official Secrets Act if I return. I will be prosecuted behind closed doors, ‘for national security reasons,’ and I will never again see the light of day.”

But Ben-Menashe said his case had other implications. “As an aftermath of my [1990] trial a new scandal has broken directly involving the President of the United States [George H.W. Bush],” Ben-Menashe wrote, “about the President being involved in an arms-for-hostage release delay deal [with Iran] in 1980. I am a central witness on that issue.

“Democratic members of the US Congress are going to speak to me about that and other issues involving US sales of unconventional weapon systems to Iraq, all connected to the present [George H.W. Bush] administration of the US,” Ben-Menashe told Australian immigration. “Paradoxically speaking I am now being punished for being acquitted.”

Later in May 1991, Ben-Menashe faced an apparent plan by George H.W. Bush’s administration to divert him from Los Angeles Airport to Israel when he was en route to Washington to testify to Congress about his allegations. If he had been turned over, his fate would likely have been similar to that of technician Mordechai Vanunu, who disclosed Israel’s secret nuclear weapons program and then was kidnapped in Rome and returned to Israel for trial and imprisonment.

### **A Last-Minute Tip**

However, before Ben-Menashe’s flight, I received a tip from a U.S. intelligence source about the plan and checked with congressional investigators who were expecting to interview the Israeli. When they couldn’t get a clear commitment from the Bush administration about Ben-Menashe’s safe passage, I called him in Australia as he was about to leave for the Sydney airport.

I suggested that he delay his flight, which he did. Later, I was informed by congressional investigators that they finally had extracted assurances from the Bush administration that Ben-Menashe would be allowed to proceed to Washington and he rescheduled his flight. Though he was not diverted to Israel, he was taken aside by U.S. authorities in Los Angeles and subjected to some harsh questioning.

That evening, I picked Ben-Menashe up at Dulles Airport and was surprised how

shaken he was. I drove him to my home in Arlington, Virginia, and he asked if he could spend the night in my guest room, thinking that he was under surveillance and fearing for his life. With some hesitation, I consented.

Months later, when pro-Israeli journalists escalated their character assassination of Ben-Menashe, one New Republic writer Steven Emerson criticized my ethics for allowing Ben-Menashe to stay over in my house, which struck me as a curious accusation not only because there is no such ethical standard but because the fact had never been made public. The reference led me to believe that Ben-Menashe had not been paranoid when he worried about being under surveillance or for his safety.

Although substantial evidence has emerged to support Ben-Menashe's claims, Republicans and the Israeli government continued to deny the October Surprise story and U.S. congressional investigations in the early 1990s confronted a stonewall of Republican obstruction. Ultimately, the investigations concluded that solid evidence of a GOP conspiracy was lacking. [For the latest details on this controversy, see Robert Parry's new book, *America's Stolen Narrative*.]

## **A Life of Intrigue**

When published in 1992, Ben-Menashe's memoir, *Profits of War*, provided further details about the cloak-and-dagger operations conducted by U.S. and Israeli intelligence.

A Jew who was born in Iran and who emigrated to Israel as a teenager, Ben-Menashe explained how his background proved valuable to Israeli intelligence after the Shah of Iran, a close Israeli ally, was overthrown in 1979. As Israel tried to rebuild some relationship with Iran, Ben-Menashe was able to reconnect with some of his friends from his youth who were rising inside the new revolutionary government.

Ben-Menashe said those contacts led him into a role as an intermediary on military sales to Iran during the U.S.-Iranian hostage crisis in 1980 and placed him near the decision by Prime Minister Menachem Begin to throw in Israel's lot with Republican Ronald Reagan in his campaign to unseat President Jimmy Carter. Over the next several years, Ben-Menashe remained a key middleman in the arms transactions that were crucial to Iran in its long war with Iraq.

Yet, by the early 1990s, after his arrest and acquittal, Ben-Menashe had become a man without a country. On Oct. 23, 1991, he was informed that his refugee application in Australia had failed. A departmental officer declared that "there appears to have been ample opportunity for one government or another [the U.S. or Israel] to have taken action against Mr Ben-Menashe if his political

importance made him of real interest to them.” [See [here](#) and [here](#).]

Ben-Menashe appealed the finding, but on Dec. 12, 1991, the Refugee Status Review Committee confirmed the adverse ruling. A letter signed by its Chairman said in part: “The applicant’s fear of the consequences of breaking Israeli law does not warrant international protection. The applicant has, therefore, not established a well-founded fear of persecution were he to return to Israel.” [See [here](#), [here](#), [here](#) and [here](#).]

However, the decision was not unanimous, as Australian journalist Marshall Wilson reported. One member of the panel added, “I request a meeting to discuss aspects of this case, particularly the matters of what constitutes persecution given this extraordinary mix of international conspiracies and intrigue and the laws under which the applicant could be charged should he return to Israel.

“I believe the applicant has been an intelligence operative of the Israeli Government and has been involved in various arms deals. The American use of Israel to sell arms to Iran during the Iran-Iraq War is attested to by a number of sources. The delay in the release of the American hostages also is now widely accepted as true.”

In the end Ben-Menashe left Australia of his own free will without further resort to the courts. He eventually settled in Canada, married a Canadian woman, received citizenship and built a new life as an international consultant.

Ben-Menashe stood by his sworn testimony about the October Surprise machinations and other allegations, but his credibility continued to come under assault. It didn’t seem to matter even when some Israeli officials confirmed that Ben-Menashe, indeed, had been involved in important clandestine operations for Israel.

For instance, American journalist Craig Unger was told by a senior intelligence official, Moshe Hebroni, that “Ben-Menashe served directly under me. He had access to very, very sensitive material.” [*Village Voice*, July 7, 1992] In the Israeli daily, *Davar*, reporter Pazit Ravina wrote, “in talks with people who worked with Ben-Menashe, the claim that he had access to highly sensitive intelligence information was confirmed again and again.”

Now, in investigating the mysterious fire that could have killed Ben-Menashe – and that succeeded in destroying many of his personal papers – the authorities in Canada may have to determine if the fire resulted from some new enemy or an enemy from Ben-Menashe’s past, someone who preferred that the former Israeli spy finally be silenced.

**Investigative reporter Robert Parry broke many of the Iran-Contra stories for**

The Associated Press and Newsweek in the 1980s. You can buy his new book, *America's Stolen Narrative*, either in [print here](#) or as an e-book (from [Amazon](#) and [barnesandnoble.com](#)).

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## Why to Say No to Susan Rice

**Exclusive:** Key Republicans object to Susan Rice getting a promotion from UN ambassador to Secretary of State, citing her flawed account of the Benghazi assault. But a more legitimate concern is her lack of judgment on the Iraq War and other foreign policy decisions, says ex-CIA analyst Ray McGovern.

By Ray McGovern

President Barack Obama should ditch the idea of nominating U.S. Ambassador to the U.N. Susan Rice to be the next Secretary of State on substantive grounds, not because she may have knowingly or not fudged the truth about the attack on the poorly guarded CIA installation in Benghazi, Libya.

Rice's biggest disqualification is the fact that she has shown little willingness to challenge the frequently wrongheaded conventional wisdom of Official Washington, including on the critical question of invading Iraq in 2003. At that pivotal moment, Rice essentially went with the flow, rather than standing up for the principles of international law or exposing the pro-war deceptions.

In fall 2002, as President George W. Bush and his administration were pounding the drums for war, Rice wasn't exactly a profile in courage. A senior fellow at the centrist Brookings Institution, she echoed the neoconservative demands for "regime change" in Iraq and doubted the "need [for] a further [U.N. Security] Council resolution before we can enforce this and previous resolutions" on Iraq, according to a [compilation](#) of her Iraq War comments by the Institute for Public Accuracy.

In an NPR interview on Dec. 20, 2002, Rice joined the bellicose chorus, declaring: "It's clear that Iraq poses a major threat. It's clear that its weapons of mass destruction need to be dealt with forcefully, and that's the path we're on. I think the question becomes whether we can keep the diplomatic balls in the air and not drop any, even as we move forward, as we must, on the military side."

Rice also was wowed by Secretary of State Colin Powell's deceptive speech to the

United Nations on Feb. 5, 2003. The next day, again on NPR, Rice said, "I think he has proved that Iraq has these weapons and is hiding them, and I don't think many informed people doubted that."

After the U.S.-led invasion in March 2003, Rice foresaw an open-ended U.S. occupation of Iraq. In a Washington Post [online forum](#), she declared, "'To maximize our likelihood of success, the US is going to have to remain committed to and focused on reconstruction and rehabilitation of Iraq for many years to come. This administration and future ones will need to demonstrate a longer attention span than we have in Afghanistan, and we will have to embrace rather than evade the essential tasks of peacekeeping and nation building.'"

Only later, when the Iraq War began going badly and especially after she became an adviser to Sen. Barack Obama's presidential campaign, did Rice take a less hawkish position. She opposed President Bush's troop "surge" in 2007, a stance in line with Obama's anti-Iraq War posture. During Campaign 2008, she also mocked one of Sen. John McCain's trips to Baghdad as "strolling around the market in a flak jacket."

### **The Ambitious Staffer**

In other words, Rice fits the mold more of an ambitious staffer ever mindful of the safe boundaries for permissible thought in Official Washington and eager to serve one's political patron than of a courageous foreign policy thinker who can see around the corners to spot the actual threats looming for the United States and the world.

Though Rice's defenders might say there is nothing unusual in an aspiring foreign policy operative following the consensus or the instructions of a superior, there are plenty of troubling examples of innocent people getting killed when careerism overwhelmed wisdom and judgment. For instance, in 2003, CIA Director George Tenet, a malleable former congressional staffer, helped pave the way for the disastrous Iraq War.

Ironically, Rice's eagerness to play the Washington game also landed her in the middle of the current "scandal" over her statements regarding the Sept. 11, 2012, attacks on the U.S. mission in Benghazi which left four Americans dead, including U.S. Ambassador Christopher Stevens.

On Sept. 16, Rice appeared on five (count them) Sunday TV shows, adhering closely to the CIA-provided "talking points," which cited the likelihood of a spontaneous protest preceding the violent assault but which alluded to the tenuousness of the evidence available at the time.

Blinded by the limelight, Rice seems to have blundered into the controversy,

giving little thought to the possibility that she was being put out front by then-CIA Director David Petraeus and Obama's counter-terrorism adviser John Brennan, who is the usual administration spokesman regarding terrorist attacks. Brennan immediately flew off to Libya on a fact-finding trip, leaving Rice in the unaccustomed role of 'splaining the attack in Benghazi.

Rice also wasn't overly curious as to why Secretary of State Hillary Clinton begged off on grounds she was "not going to offer any hypothetical explanations."

Was Ambassador Rice too ambitious and/or too naive? For her it is a cruel irony that by letting her vision be blurred by the allure of five sets of klieg lights in one day, and the opportunity to embellish her persona for the top job at State, she has imperiled her own candidacy.

Loyal functionaries like Rice, with a penchant for doing whatever they are told do not expect to be mouse-trapped by their colleagues. But, if you can't see that kind of thing coming particularly when folks like Brennan and Petraeus are involved you should not expect to become Secretary of State.

### **Understanding Benghazi**

It also might have been smart for Rice to have taken the trouble to learn what U.S. officials were doing in Benghazi. Did she know that, as House minority leader Nancy Pelosi has revealed, that the word "consulate" in the draft "talking points" was carefully changed to "mission"?

A prospective Secretary of State should know the difference. A "mission" is a group of officials abroad normally headed by a diplomat while a consulate is headed by a consul who normally handles commercial interests, serves the needs of citizens abroad and issues visas.

The difference between consulate and mission is more than semantic. Consulates, understandably, perform consular duties. Missions can do whatever. As my former CIA analyst colleague, Melvin A. Goodman pointed out in "[The Why Behind the Benghazi Attack](#)," the hidden reality in Benghazi was not the alleged deception by Rice or the inadequate security measures.

The key secret was that the U.S. government had transformed the Benghazi "mission" into an operational CIA base spying on and seeking to neutralize extremist militias operating in eastern Libya. Thus, the "mission" was an inviting target for attack. In a limited sense, one could say the primary security failure was in not adequately anticipating this risk.

The more significant point is that, because of the anger resulting from U.S.



policy in the area and the CIA role in implementing it, there is great doubt that “missions” like the one in Benghazi can ever be protected from the kind of organized assault launched on Sept. 11, 2012. And that probably includes gigantic, fortified installations like the U.S. embassies in Baghdad and Kabul.

A month before the U.S. presidential election, House Government Affairs Committee chair Rep. Darrell Issa, R-California, conducted a public hearing, in an attempt to prove that with adequate security measures the attack on the Benghazi “mission” could have been thwarted and American lives saved.

Issa’s star witness, State Department Regional Security Officer Eric Nordstrom, joined others in bemoaning State’s refusal to provide additional security (partly due to congressional refusal to appropriate all the requested funds).

But Nordstrom shot a wide hole in the notion that more security could have saved the day. A 14-year veteran of State’s Diplomatic Security Service, Nordstrom said the kind of attack mounted in Benghazi could not have been prevented.

“Having an extra foot of wall, or an extra half-dozen guards or agents would not have enabled us to respond to that kind of assault,” Nordstrom said. “The ferocity and intensity of the attack was nothing that we had seen in Libya, or that I had seen in my time in the Diplomatic Security Service.” [See Consortiumnews.com’s [“The Real Blame for Deaths in Libya.”](#)]

Whether media pundits are conscious of this or not, the interminable focus on what Susan Rice said and when she said it, as well as the inadequate security, divert attention from what the CIA was doing in Benghazi. No Establishment figure or media pundit wants to focus on that. And, as Sen. Lindsey Graham, R-South Carolina, recently conceded, no politician wants to risk appearing reluctant to support covert action against “terrorism.”

But a source with excellent access, so to speak, to former CIA Director David Petraeus, his biographer/mistress Paula Broadwell, said publicly on Oct. 26 that CIA was interrogating prisoners in Benghazi and that this may have been the reason the CIA base was so brutally attacked. More bizarre still, her comments were corroborated by Fox News!

If Sens. John McCain and Lindsey Graham were genuinely interested in what happened in Benghazi and why, would they not wish to look into that?

### **A C-Minus on Substance**

President Obama has defended Rice against those who would “besmirch” her reputation, saying she “has done exemplary work. She has represented the United States and our interests in the United Nations with skill, professionalism, and

toughness, and grace.”

Obama also said she had “nothing to do with Benghazi.” However, this does not appear to be entirely accurate. It is an open secret that Susan Rice, together with Hillary Clinton and Samantha Power, now ensconced at Obama’s National Security Council, were big promoters of the so-called “responsibility to protect” and thus acted as prime movers behind the U.S. excellent adventure in Libya.

The charitable explanation is that last year, with a thoroughly naive “Gaddafi-bad-guys-vs.-maybe-good-guys” approach, blissfully unaware of which elements they might be “protecting” or “liberating” in Benghazi, and with little planning regarding who might replace Gaddafi, they made their mark on Libya.

Are we to believe that they gave not a thought to the imperative felt by key NATO partners to exploit the fledgling “Libyan Arab spring” to ensure the continuing flow of high-grade crude? And did none of them take any lessons from the excellent adventure of going into Iraq with no serious plan for what might come next?

As for Ambassador Rice, as some have suggested, her judgment may be compromised by well-deserved guilt at having done nothing to stop the killing of 800,000 Rwandans in 1994 when she was White House referent for African affairs at the NSC under President Bill Clinton and acquiesced in his reluctance to call genocide “genocide.”

This presumably was why, when President Bill Clinton nominated Susan Rice to be Assistant Secretary of State for African Affairs in 1997, the Congressional Black Caucus objected to the nomination, citing her membership in “Washington’s assimilationist black elite.”

The caucus got that right. Susan Rice has moved up the ladder by demonstrating an uncanny ability to ignore the interests of the oppressed black or brown whether in Rwanda or in Gaza. Her selective judgment on when to intervene in a foreign crisis normally follows the conventional wisdom of Official Washington, such as with Iraq in 2003 and Libya in 2011.

### **Ignoring Palestine’s Plight**

Thus, her empathy for the “good guys” (whoever they may be) in Libya does not extend to the Palestinians. Like other myopic policymakers and spokespersons, Rice ignores the misery in Gaza and the West Bank because to do otherwise would cast her outside Official Washington’s perceived wisdom, which holds that no smart politician or pundit confronts Israel too directly or too frequently.

However, the fact that last Thursday the United States could muster only eight votes (beside its own), from the 193 member states of the General Assembly, to oppose giving Palestine the status of non-member observer state is surely a harbinger of defeats to come on this key issue.

Rice's one-sided defense of Israel as it pummeled the defenseless Gazans last month was not only unconscionable, but in the long run counterproductive not only for the U.S. but for Israel. Granted, Rice was speaking for the Obama administration but there are no indications that she has used her influence with the President to reshape U.S. policy significantly.

Her failure to dissent, which would surely undo her careful construction of a Washington career, continues even as Israeli Interior Minister Eli Yashai has acknowledged that Israel's goal was to "send Gaza back to the Middle Ages" and other Israeli officials casually liken their periodic bloodletting in Gaza to "mowing the grass." [See Consortiumnews.com's "[Likening Palestinians to Blades of Grass.](#)"]

Washington's public support for the carnage no doubt has left Israeli Prime Minister Benjamin Netanyahu with a sense of invulnerability even in the face of the stinging vote in the U.N. Thus, he retaliated for the U.N.'s affront by authoring 3,000 new homes for Jewish settlers and plans for thousands more in the West Bank and East Jerusalem.

On Friday, White House spokesman Tommy Vietor replied lamely, "We reiterate our longstanding opposition to settlement activity and East Jerusalem construction and announcements."

As the Biblical advice states: By their fruits shall you know them. So look at the fruits of Rice's policymaking, including her one-sided defense of Israel before a world audience increasingly aware of U.S. hypocrisy, particularly on the key issue of Palestine.

It can surely be assumed that Susan Rice is intelligent enough to understand the moral depravity of U.S. policy on Palestine. Then why does she fall so easily in with extreme pro-Israel hawks and neocons on such issues? Presumably, she understands that such positioning is how to get ahead.

In playing for support from her fellow hawks, Rice remains the ambitious staffer more than the wise diplomat. And like an ambitious staffer, she senses that hawkishness is usually a safer career path than thoughtful diplomacy. This is not the kind of person anyone should want as Secretary of State.

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a CIA analyst for a total of 30 years and now serves on the Steering Group of Veteran Intelligence Professionals for Sanity (VIPs).

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## Egypt's Imperfect Constitution

Egyptian President Morsi is pressing for a quick vote on a new constitution which has drawn criticism from both secularists and Islamists. But the imperfect plan has the benefit of establishing some governing rules for the tumultuous country and can be changed later, writes ex-CIA analyst Paul R. Pillar.

By Paul R. Pillar

The stage in Egypt seems set for yet another surge of political tension and high drama over the coming fortnight, as President Mohamed Morsi has designated Dec. 15 as the date for a referendum on the just-written constitution.

The outcome of the referendum will no doubt be widely seen as a test of strength between Morsi's Muslim Brotherhood and its secular opponents, whether it ought to be seen that way or not.

The document will be regarded as a Brotherhood product, given a boycott of the constitution-writing assembly by liberal secularists and Christians, and given also Morsi's claiming of special powers to prevent the judiciary from negating the work of the Brotherhood-dominated constituent assembly.

The rush with which the drafting of the constitution was completed and with which it will now be put to a vote conveys to many Egyptians an impression of railroading something through. Morsi's recent Mubarak-like pronouncements about threats from "conspiracies" have added to the forbidding atmosphere.

The hastily written draft constitution has something for everyone to dislike, but democracy in Egypt will not live or die based on the result of the referendum. Nor will the balance of power between Islamists and secularists depend on it. Morsi's opponents might even be well advised to drop resistance to letting the new constitution come into effect.

Doing so would in a sense be calling his bluff. The powers he claimed for himself at the expense of the judiciary would expire, and the president under the constitution will be a less powerful president than Morsi claims to be now. And as Morsi himself noted, the constitution can be amended.

Secularists might be comforted by noting that the Salafists are unhappy enough

with the constitution that they have announced they will boycott the referendum. The Salafists complain that the document vests sovereignty in the people rather than in God.

Egypt needs some kind of constitutional structure if subsequent debates about the direction of the country are to be conducted within an orderly framework rather than being part of a game where all the rules are made up as the game proceeds. Any representative political system needs to start with someone making up rules and acting without having previously recognized authority, but it cannot stay that way indefinitely.

Of course Morsi cannot point to any widely accepted authority to claim the power to issue the decree he did the other day, but the other actors in the Egyptian political game don't have much more of a legal basis for doing what they are doing either.

Any U.S. officials or other Americans who offer advice to the Egyptians during this politically interesting time might allude to the experience of the United States in establishing a constitutional order during its early days. The writers of the U.S. Constitution certainly exceeded their authority when instead of amending the Articles of Confederation they created an entirely new constitution and specified that it would come into effect with less than unanimous approval by the states.

The participation in writing the constitution was incomplete. Rhode Island did not attend, the New Hampshire delegates arrived late, most of the New York delegates left early, and several who stayed for the whole meeting refused to sign the product. Significant opposition to the document persisted, and demands for amending it were strong enough for the first ten amendments to be a task of the very first Congress.

The lesson is that the success of, and respect for, a constitution is a function of the political habits and attitudes toward it that develop over time. It does not depend on the legal basis on which it was initially written, and it does not depend on who was in power or who favored the constitution when it was first written.

**Paul R. Pillar, in his 28 years at the Central Intelligence Agency, rose to be one of the agency's top analysts. He is now a visiting professor at Georgetown University for security studies. (This article first appeared as a [blog post](#) at The National Interest's Web site. Reprinted with author's permission.)**

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