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Is There Any Fundamental Difference Between the Bush and Obama Presidencies in the Area of Domestic Civil Liberties? **Obama's Assault: 20 Examples**

By Bill Quigley

The Obama administration has affirmed, continued and expanded almost all of the draconian domestic civil liberties intrusions pioneered under the Bush administration. Here are twenty examples of serious assaults on the domestic rights to freedom of speech, freedom of assembly, freedom of association, the right to privacy, the right to a fair trial, freedom of religion, and freedom of conscience that have occurred since the Obama administration has assumed power. Consider these and then decide if there is any fundamental difference between the Bush presidency and the Obama presidency in the area of domestic civil liberties.

Patriot Act

On May 27, 2011, President Obama, over widespread bipartisan objections, approved a Congressional four-year extension of controversial parts of the Patriot Act that were set to expire. In March of 2010, Obama had already signed a similar extension of the Patriot Act for one year. These provisions allow the government, with permission from a special secret court, to seize records without the owner's knowledge, conduct secret surveillance of suspicious people who have no known ties to terrorist groups, and to obtain secret roving wire-taps on people.

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Beyond Anti-Semitism

By Rebecca Gould

"The last thing I want is to be called an anti-Semite," an American friend confided, as we returned to Jerusalem after a daylong excursion to Hebron. We were gliding down the highway that stretched in front of us like a ribbon traversing the gaping darkness. I was so surprised by his words, offered in response to my question regarding why so many Israeli flags had to be hoisted above a road that cut through the heart of the Palestinian territories, that I had to ask for clarification. "I can't make Israelis the enemy," he explained. "I live with them. I speak Hebrew better than Arabic. They are my friends."

I was less surprised by the timing of these comments than by their content, for they marked the culmination to lengthy pronouncements evincing entirely different sentiments, as we traveled between the cave villages surrounding Hebron. As soon as Israel was behind us, I became the captive audience to his unceasing reflections on the injustices attending Israel's occupation of Palestine, making up for many months of diplomatic silence. At every invitation, my friend was the first to point out that the greater weight of injustices lay on the Israeli side. This was a conflict, he said, marked by misinformation, deception, and fabrica-

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Obama's Record

tions of the past, and the winners were more culpable than the losers. "Israel exists only on subsidies," he repeated tirelessly, stressing the violence the state of Israel had introduced into the economy of the Levant. By contrast, Palestine was an "artificially underdeveloped economy" forced into economic depression by Israel's draconian policies.

And now, at the conclusion to a journey that had exposed me to a hitherto unknown aspect of an interlocutor I had believed to be unsympathetic to the Palestinian cause, he confessed his fear of being pegged as an anti-Semite. As we crossed the border into Israel, this confession seemed to mark a turn back to politics as usual, to silent complicity and diplomacy, and an infinite deferral of the mandate to speak the truth wherever it may lead.

From a human perspective, my friend's concerns were entirely legitimate. Indeed, they were shared completely by myself. Although I did not live in Israel, I received financial support from the same Israeli organization as did my friend. Like him, I had no interest in alienating anyone and no desire to acquire a reputation as a despiser of any group. However, no aspect of my question could have legitimated such labeling. That Israeli flags

were posted at every single turn of a road that ran straight through Palestinian territory struck me as strange, given that Hebron had not been ceded to Israel after 1967. I wanted to know whether renegade settlers or the Israeli government were behind these unsolicited decorations. That my question evoked fears of the anti-Semitic label rather than a direct confrontation with the problem at hand reveals the power wielded by this ever-present accusation to steer conversation away from the occupation.

From casual conversations to political debates, the specter of anti-Semitism constrains open discussion regarding the impact of Israeli policies on Palestinian lives, especially in what are known as Israel's liberal publications. In a recent review of Ilan Pappé's book, *The Forgotten Palestinians: A History of the Palestinians in Israel*, the Israeli left-wing newspaper *Haaretz* berated the Israeli historian, who was made to abandon his professorship at the University of Haifa for the University of Exeter in 2007, for lacking "any understanding or empathy for Jewish Israel's sense of vulnerability and victimization."

Pappé's fatal flaw, according to the reviewer in *Haaretz*, was his failure to recognize Israel as a country that "has never enjoyed a moment when there wasn't somebody calling for its destruction," as though such a recognition should have modified whatever criticisms Pappé had to make of Israel today. Stated otherwise, Pappé had no legitimate right to critique Israel's treatment of Palestinians residing within and outside the Green Line, unless he counterbalanced such complaints with a recognition of Jewish suffering. The evaluative strategy that holds an author responsible not for what he said but for what he didn't and that calls him to account for not discussing matters that have at most a tangential bearing on his immediate subject does not stand up to the test of rigorous analysis. I submit that such compromised intellectual standards were only deemed adequate because of the special nature of the subject at hand, and because of the contemporary uses that are made of the long, and not always relevant, history of anti-Jewish hate. In a more objective discussion, Pappé's work would have been read on its own merits, not for what it had to say about Jewish suffering, which was not its subject, but for what it had to say about Israel's rela-

tion to Palestine.

Underlying both *Haaretz's* dismissal of Pappé's scholarship as "unbalanced" and my friend's fears of being labeled an anti-Semite for the clarity with which he perceived the Palestinian occupation are events in World War II Germany that, notwithstanding Palestine's distance from this conflict, continue to influence the events in contemporary Israel-Palestine. As Zev Garber and Bruce Zuckerman have shown, Elie Wiesel did the most to popularize the use of the Greek term *holokaustos* ("entirely consumed by fire") to translate the Hebrew *shoah*. Already 20 years ago, the historian Arno Mayer contested the use of the term "holocaust" in lieu of the *shoah*, because he recognized that this word had spawned "a collective prescriptive 'memory' uncondusive to critical and contextual thinking about the Jewish calamity." Unfortunately, Mayer's protests have gone unheeded.

When the most religiously freighted term imaginable is used to describe a purely human tragedy, memory becomes an instrument of ideology rather than a means of connecting with the past. This problem is only exacerbated by the way "holocaust" implies divine ordination. Defining the *shoah* vis-à-vis the Greek (and, incidentally, Christian) term for a sacrifice to God has helped make it available to manipulation by governmental elites, aiming to promote the narrative most likely to underwrite their claims to sovereignty. Claiming the Holocaust as a holy event sanctifies the state of Israel and whitewashes its crimes. As Mayer feared, it also forestalls objective critique of any group associated with those who were brutally "sacrificed" half a century ago.

In the face of this overwhelming fear of being labeled anti-Semitic and of promoting anti-Semitic values that haunts nearly every discussion of the Israel-Palestine conflict, perhaps the time has come to stop privileging the Holocaust as the central event in Jewish history. While it may be possible to construct a historically solid argument that Israel as a country, like the Jews as a people, has "never enjoyed a moment when there wasn't somebody calling for its destruction," such a history could only ever be the starting point for a post-Holocaust reality. Above all, a history of past Jewish suffering is unable to dictate the appro-

CounterPunch

EDITORS

ALEXANDER COCKBURN
JEFFREY ST. CLAIR

ASSISTANT EDITOR
ALEVTINA REA

BUSINESS
BECKY GRANT
DEVA WHEELER

DESIGN
TIFFANY WARDLE

COUNSELOR
BEN SONNENBERG
1937-2010

CounterPunch
P.O. Box 228
Petrolia, CA 95558
1-800-840-3683

counterpunch@counterpunch.org
www.counterpunch.org
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ropriate response to Jewish suffering, let alone to other peoples' suffering, in the present or the future. No people's past should be allowed to determine another people's future.

Against Moral Calculus

Just as it is necessary to separate the past from the present in contemporary Israel-Palestine, so, too, it is necessary to separate Jewish suffering from the Palestinian crisis. One tragedy does not license another. The Holocaust does not license the Israeli occupation. Nor does it license the bulldozing of Palestinian homes or the razing of Palestinian land. To refuse the moral calculus that transforms Jewish suffering into a justification of Israeli oppression does not imply insensitivity to or obliviousness of what the Jews have faced over the course of their long, often devastating, history. Even less does it earn one the label of anti-Semite. Rather, it opens a post-Holocaust present to an ethics that looks beyond the "eye for an eye, tooth for a tooth" principle that has undergirded all three of the world's most influential monotheisms – regardless of how they toss this label at each other, all have subscribed to such ethics in practice – at various moments in their history. Two wrongs do not make a right. Jewish suffering will never be appeased by making Palestinians pay the price for the world community's silence half a century ago, when the Jews were being exterminated.

The justification of silence regarding Israel's illegal expansion in Palestine on the grounds that protest against this injustice could be perceived as anti-Semitic merely extends the lifespan of anti-Jewish prejudice. Two wrongs do not make a right, but one wrong, left unresolved and unhealed, often will fester and multiply, until other people suffer for crimes committed before they were born and in which even their ancestors had no share. Unfortunately, the moral calculus encapsulated in the "eye for an eye, tooth for a tooth" formula delimits the scope of political possibilities with respect to the Palestinian question in Israel today: a tragedy perpetrated on the Jewish people half a century ago by German powers, and sustained by broad Euro-American complicity, is made to justify, sometimes explicitly and at other times by implication, an occupation that violates international law. The Jews have been sinned

against, the reasoning seems to run, so, now it is the turn of Israel to sin against the Arabs. If the Jews do not engage in violent, pre-emptive "self-defense," the logic continues, then they will face another extermination.

In today's topsy-turvy world, Israel is more likely to share strategic goals with Germany, a country that played a major role in creating the Jewish tragedy, than with Palestine, a country that participated in millennia of harmonious Jewish-Arabic coexistence prior to modernity. This peculiar turn of events has led Edward Said to speak paradoxically but cogently of "Zionism from the Standpoint of its Victims," thereby suggesting that Zionism, an ideology that derives much of its force from the need to prevent the Jews from being victimized, has, in fact, produced more victims than victors.

As Edward Said registered, when he argued that "the Jewish tragedy led directly to the Palestinian catastrophe," the Palestinians are, in fact, linked to the Holocaust, although not in ways commonly recognized in the public sphere. The paradoxes do not end here, for, as Gilbert Achcar has pointed out in his recent provocative study, *Arabs and the Holocaust*, as "a colonial state born at the very moment in which the process of decolonization was first gaining strength," Israel is a political anachronism. If Israel and Israel's supporters wish to be remembered by history as the people who merely passed onto others the violence that was cruelly inflicted on them first, then the logic that makes Jewish suffering an obligatory preface to any discussion of Israel's oppression is eminently justified. If they wish to be remembered as the people who used horrific suffering to fulfill the seemingly impossible yet honorable mandate of benefitting humanity, then another kind of resolution to the Israeli-Palestinian conflict, and another language for reflecting on Israel's politics, will have to be found.

The Holocaust is Over – Avraham Burg, a former Knesset speaker has claimed in the title to his book. Burg's bestselling book, which has caused a stir in Israel, bears the subtitle: *We Must Rise From its Ashes*. Burg is only partially correct. In addition to rising from the ashes of the *shoah*, Israel must find a way of not passing on the crime the Nazis introduced into the world onto the next gen-

eration of its citizens. If Israel can find a way to stop the cycle of bloodletting released into the world over half a century ago, then, even in an era weary of nations and the states that underwrite them, it will merit the world's admiration. As the situation stands today, the Holocaust persists and its primary victims are the Palestinian people. A long road remains to be traveled, and much fear needs to be discarded before the ashes can be wiped away. CP

Rebecca Gould is assistant professor of literatures of the Caucasus and the Islamic world, Department of Asian & Slavic Languages & Literatures at the University of Iowa.

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Criminalization of Dissent and Militarization of the Police

Anyone who has gone to a peace or justice protest in recent years has seen it – local police have been turned into SWAT teams, and SWAT teams into heavily armored military. Officer Friendly, or even Officer Unfriendly, has given way to police uniformed like soldiers, with SWAT shields, shin guards, heavy vests, military helmets, visors, and vastly increased firepower. Protest police sport ninja turtle-like outfits and are accompanied by helicopters, special tanks, and even sound-blasting vehicles first used in Iraq. Wireless fingerprint scanners, first used by troops in Iraq, are now being utilized by local police departments to check motorists. Facial recognition software introduced in war zones is now being used in Arizona and other jurisdictions. Drones just like the ones used in Kosovo, Iraq and Afghanistan are being used along the Mexican and Canadian borders. These activities continue to expand under the Obama administration.

Wiretaps

Wiretaps for oral, electronic or wire communications, approved by federal and state courts, are at an all-time high. Wiretaps in 2010 were up 34 per cent from 2009, according to the Administrative Office of the U.S. Courts.

Criminalization of Speech