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## Will Congress Criminalize Anti-Semitism and Israeli Criticism?

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During Israel's war on Gaza, only 5 of 535 congressional members dissented on pro-Israeli resolutions.

On January 8, 2009, the Senate unanimously passed S 10: "A resolution recognizing the right of Israel to defend itself against attacks from Gaza and reaffirming the United States' strong support for Israel in its battle with Hamas, and supporting the Israeli-Palestinian (no peace) peace process."

On January 9, the House, by a 390 - 5 vote, passed HR 34 "Recognizing Israel's right to defend itself against attacks from Gaza, reaffirming the United States' strong support for Israel, and supporting the Israeli-Palestinian (no peace) peace process." More on this below.

Then on October 28, Obama signed the expanded 2009 Hate Crimes Prevention Act, some call a stealth war on free expression and civil liberties. More on this as well.

Also consider events in Canada, initiated by a body called the Canadian Parliamentary Coalition to Combat Antisemitism (CPCCA), a voluntary association of 22 MPs investigating anti-semitism because, it says:

Its "extent and severity is widely regarded as at its worst level since the end of the Second World War," despite contrary evidence and much to show how Israel twists opposition to Zionism and its international law violations to be an attack on Jews.

On October 29, in fact, Reuters reported that:

"Anti-Semitic attitudes in the United States are at a historic low, with 12 percent of Americans prejudiced toward Jews, an Anti-Defamation League (ADL) survey found" based on polling done from September 26 - October 4 with a margin of error of plus or minus 2.8%.

ADL said the level of anti-Semitism matched 1998's as the lowest in the poll's 45-year history. Yet in his 2003 book, "Never Again? The Threat Of The New Anti-Semitism," national director, Abraham Foxman, said he's:

"convinced we currently face as great a threat to the safety of the Jewish people as the one we faced in the 1930s - if not a greater one," contradicted by Cato Institute research fellow **Leon Hadar** (writing in the January 2004 Chronicles) that public opinion polls "indicate anti-Semitism (both its racial and religious versions) has been in steep decline in most of Western Europe...."

Yet various Canadian Jewish organizations, including Hillel, B'nai Brith, and the Canadian Jewish Congress cite rising anti-Semitic incidents. On March 31, 2009, for example, B'Nai Brith Canada claimed Canadian anti-Semitic incidents rose 8.9% in 2008 over 2007, with "more than (a) four-fold increase in incidents over the past decade."

The result gets bodies like CPCCA to exploit it, with disturbing implications of where this may lead, including calling opposition to Zionism and Israeli crimes anti-Semitism, and criminalizing them at a time the global BDS (Boycott, Divestment and Sanctions) movement is gaining traction in the wake of Operation Cast Lead and 42 years of military occupation.

CPCCA's web site (cpcca.ca) says:

"In February 2009, parliamentarians from around the world gathered in London for the inaugural conference of the Inter-Parliamentary Committee for Combatting Antisemitism." Over 125 legislators attended from nearly 40 countries, after which "The London Declaration for Combating Antisemitism call(ed) on all governments to face the problem...."

CPCCA is a Canadian body, formed in March 2009 by 22 parliamentarians from all parties in the House of Commons. An inquiry was begun on June 2 calling for written submissions followed by public hearings (excluding anti-Israeli groups) running from November 2 - December 8. When concluded, the Steering Committee will produce a report for the government, anticipating a response "no later than the fall of 2010."

Its web site asks: "What is the new anti-semitism," saying:

"Anti-semitism is an age-old phenomenon, yet it is always re-invented and manifested in different ways. For example, while accusations of blood libel are still being made against the Jewish people, instead they are being directed against the State of Israel, such that anti-Zionism is being used as a cover for anti-semitism."

Canadians for Justice and Peace in the Middle East (CJPME)

Founded in 2002, CJPME (cjpme.org) promotes "justice, peace, prosperity and security for all peoples of the Middle East," and believes "all positions should respect international law...violence is not a solution, (and) all parties in a conflict must be held to the same standard."

On August 31, 2009, it issued a "Written Submission to (CPCCA) Concerning Anti-Semitism in Canada," saying:

- it opposes anti-Semitism;
- Israeli criticism must not be linked to it; and
- because of how it's vilified, CJPME fears it will result in:
  - "a terrifying attack on civil liberties (and free expression) in Canada, and
  - a total silencing of debate on Israel out of fear of legal action."

Yet both outcomes would violate "fundamental protections enumerated in the Canadian Charter of Rights and Freedoms," so efforts must be made to prevent them.

Israel is a secular state, not a proxy for Judaism or Jews. Many Jews globally, including Israelis, are extremely critical of government policies with regard to Occupied Palestine and its own Arab citizens. According to Ryerson University's Social Justice and Democracy Professor Judy Rebick:

-- equating Israeli criticism with anti-Semitism "is based on a claim that the State of Israel is the single outcome of the history of the Jewish people, the final end of generations of diasporic existence. It attempts to make the Zionist project of a Jewish

nation the only legitimate project for all Jews," when, in fact, many Jews publicly oppose Zionism and Israeli policies. Doing so isn't anti-Judaic, anti-Israeli, or anti-Semitic because they, like Martin Luther King, believe that:

"True peace is not the absence of violence, but the presence of justice," an element entirely absent in how Israelis treat Palestinians and their own Arab citizens.

Asking why Israel is heavily criticized, CJPME cites the following:

-- its continued defiling of "the international consensus for respect for human and humanitarian rights - as reflected in international law....;"

-- its maintenance of "one of the longest military occupations in modern history" over Gaza, the West Bank, East Jerusalem, the Golan, and Shebba Farms area of Lebanon;

-- its repeated violations of international law and UN resolutions; and

-- its imposition of "elements resembling those of South African Apartheid."

As a result, it's unsurprising that anti-Semitism accusations are made to stifle Israeli criticism as a way to diffuse and perhaps criminalize them. The possibility worries CJPME enough to say they can't be used "to infringe on fundamental freedoms enshrined in the Canadian Charter of Rights and Freedoms comprising Part I of the March 29, 1982 Constitution Act. CJPME formally petitioned to participate in CPCCA's inquiry that so far excludes Israeli critics.

"America's Last Taboo"

It was distinguished Palestinian American activist/scholar Edward Said's title for his New Left Review November-December 2000 article citing the "near-total triumph for Zionism in the United States." Then and now, Israel is cast as victim in a dangerous neighborhood acting only in self-defense against "rock-throwing barbarians (comprising) what is essentially an invasive force. (It's the) Palestinians who are encroaching on Israeli territory, not the other way around."

The message is so ingrained that the media repeat it ad nauseam, and Said more than once said that the entire US Senate can be marshaled in a matter of hours to support Israel on virtually anything - even a wanton attack as malicious as Operation Cast Lead and numerous previous ones for many decades.

Exhibits A and B: S 10 and HR 34 with near-identical language saying:

-- " Hamas was founded with the stated goal of destroying the State of Israel."

Fact Check

Hamas was founded in 1987 during the first Intifada to resist repression and occupation through negotiation and international consensus, not war or terrorism as falsely portrayed. Yet as international law allows, it strongly defends itself when attacked.

-- " Hamas has been designated by the Secretary of State as a Foreign Terrorist Organization."

Fact Check

True because any organization or group opposing imperial aggression and dominance is so designated.

-- " Hamas has refused to comply with the requirements of the Quartet (the United States, the European Union, Russia, and the United Nations) that Hamas recognize Israel's right to exist, renounce violence, and agree to accept previous agreements between Israel and the Palestinians."

Fact Check

Hamas repeatedly called for peace and an end of violence and expressed willingness to negotiate on the basis of "hudnah" or temporary truce. Its founder, Sheikh Ahmed Yassin, said Hamas would end its liberating struggle "if the Zionists ended (their) occupation of Palestinian territories and stopped killing Palestinian women, children and innocent civilians." More recently, Hamas offered peace and Israeli recognition in return for a Palestinian state inside pre-1967 borders, its Occupied Territories.

-- "in June 2006, Hamas crossed into Israel, attacked Israeli forces and kidnapped Corporal Gilad Shalit, whom they continue to hold today."

Fact Check

On June 25, Palestinians, including Hamas, responded to repeated Israeli attacks by striking an Israeli military post near Kerem Shalom crossing, southeast of Rafah, killing two IDF soldiers, injuring several others, and capturing (not kidnapping) a third, corporal Shalit. Israel's long-planned Operation Summer Rain followed resulting in mass killings and destruction ahead of its horrendous July war on Lebanon, causing over 1,000 deaths and destruction comparable to Operation Cast Lead.

-- "Hamas has launched thousands of rockets and mortars since Israel dismantled settlements and withdrew from Gaza in 2005."

Fact Check

Many dozens, not thousands, of crude homemade rockets and mortars were used only in self-defense in response to repeated Israeli attacks with the most technologically advanced weapons, mostly from Washington, including F-16s, helicopter gunships, and powerful munitions, some clearly illegal.

House and Senate resolutions also cite, but don't substantiate, Iranian help; Hamas locating "elements of its terrorist infrastructure in civilian population centers, thus using innocent civilians as human shields," a practice Israel has used for decades; the threat "hundreds of thousands of Israelis" face from rocket attacks, giving them no alternative but to respond.

Dismissive about Gaza's two and a half year siege, the resolutions stress how "Israel has facilitated humanitarian aid to Gaza with over 500 trucks and numerous ambulances entering the Gaza Strip since December 26, 2008."

It also says "the ultimate goal of the United States is a sustainable resolution of the Israeli-Palestinian conflict that will allow for a viable and independent Palestinian state living side by side in peace and security with the State of Israel...."

Fact Check

After Hamas' democratic January 2006 election, Israel, with Western support, collectively punished Gazans maliciously. It denied all outside aid, imposed an embargo and sanctions, and stepped up repression, repeated attacks, killings, targeted assassinations, and property destruction, followed by a medieval siege since June 2007 causing grave humanitarian harm by restricting essential to life foods, medicines, and medical equipment as well as electricity, fuel, construction materials, and virtually everything needed to function normally.

Israel facilitates misery, not humanitarian aid, peace or Palestinian self-determination it's spent decades to deny through violence, intimidation, naked aggression, confrontation over diplomacy and peaceful coexistence, and what scholar Joel Kovel calls "a machine for the manufacture of human rights abuses," facilitated by Washington's financial, military, and political support.

Ending "America's last taboo" is the way forward toward a viable, sustainable Middle East peace, possible only when 42 years of occupation end and Palestinians are again

free - so far, what Israel and Washington won't allow or even consider.

The 2009 Hate Crimes Prevention Act

The Department of Justice FBI web site (fbi.gov) defines them as follows:

"A hate crime, also known as a bias crime, is a criminal offense committed against a person, property, or society that is motivated, in whole or in part, by the offender's bias against a race, religion, disability, sexual orientation, or ethnicity/national origin."

On April 29, the House passed HR 1913: Local Law Enforcement Hate Crimes Prevention Act of 2009 "To provide Federal assistance to States, local jurisdictions, and Indian tribes to prosecute hate crimes, and for other purposes."

On April 28, S 909: Matthew Shepard Hate Crimes Prevention Act was introduced "to provide Federal assistance to States, local jurisdictions, and Indian tribes to prosecute hate crimes, and for other purposes."

On July 15, 2009, the measure was adopted as an amendment to S 1390, the National Defense Authorization Act for Fiscal Year 2010. On July 23, the full measure passed.

On October 8, the House passed HR 2647: National Defense Authorization Act for Fiscal Year 2010 containing hate crimes prevention provisions.

On October 22, the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act passed, then on October 28, it became law after president Obama signed it. A same day New York Times Jeff Zeleny article titled, "Obama Signs Hate Crimes Bill" said it:

"expands the definition of violent federal hate crimes to those committed because of a victim's (actual or perceived) sexual orientation (or identity). Under existing federal law, hate crimes are defined as those motivated by the victim's race, color, religion or national origin," even though, short of reading an offender's mind, there's no way to know if a crime was committed for other reasons besides "hate."

Further, the bill doesn't repeal the "don't ask, don't tell" policy, banning gays from the military if they admit their sexual orientation, or the Defense of Marriage Act, defining legal marriage to be between a man and a woman.

In addition, it doesn't address universal civil and human rights; patients' rights to effective health care; students' rights to a good education to the highest level; and everybody's right to the essentials of life, including safe food, water, and clean air; adequate shelter; full protection under the law; and democracy for everyone, not just the elite few.

Nonetheless, the Human Rights Campaign, the nation's largest lesbian, gay, bisexual and transgender advocacy group praised the bill as the "nation's first major piece of civil rights legislation" for LGBT. Others called it advancing civil rights, but critics expressed concerns.

The Alliance Defense Fund (ADF), a conservative legal alliance partnered with over 300 ministries and organizations, fears that pastors calling homosexuality a sin may be linked to a hate crime if a parishioner harms someone for their sexual orientation. ADF says it's seen:

"evidence of where 'hate crimes' legislation leads when it has been tried around the world: It paves the way for the criminalization of speech that is not deemed 'politically correct.' (These laws) fly in the face of the underlying purpose of the First Amendment, which was designed specifically to protect unpopular speech."

Others fear an attack on dissent against anyone expressing politically unpopular views at a time of disdain for human rights and eroding civil liberties putting everyone at risk.

The new law, however, prosecutes "crimes of violence," defined by section 16, title 18, US code as:

(a) "an offense that has an element the use, attempted use, or threatened use of physical force against the person or property of another, or

(b) any other offense that is a felony and that, by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense."

Whether new measures will follow bears watching given a severe economic crisis and the fragility of American democracy at a time it's transitioning toward a full-blown police state with noted trends watchers like Gerald Celente predicting the "greatest depression" unleashing violence, street crime, and mass civil unrest because "when people lose everything, and they have nothing else to lose, they lose it."

If so, government repression will follow with harsh police state measures because when powerful people fear losing what's taken them decades to achieve, they'll do anything to defend it, including criminalizing protected speech, dissent, and whatever threatens their privilege or important allies, none more valued than Israel.

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