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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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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-

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priate 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

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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

Muslims in the U.S.A. have been tar-

geted by the Obama Department of Justice for inflammatory things they said or published on the Internet. First Amendment protection of freedom of speech, most recently stated in a 1969 Supreme Court decision, *Brandenburg v. Ohio*, says the government cannot punish inflammatory speech, even if it advocates violence, unless it is likely to incite or produce such action. A Pakistani resident legally living in the U.S.A. was indicted by the DOJ in September 2011 for uploading a video on YouTube. The DOJ said the video was supportive of terrorists, even though nothing on the video called for violence.

Domestic Government Spying on Muslim Communities

In activities that offend freedom of religion, freedom of speech, and several other laws, the NYPD and the CIA have partnered to conduct intelligence operations against Muslim communities in New York and elsewhere. The CIA, which is prohibited from spying on Americans, works with the police on "human mapping," commonly known as racial and religious profiling to spy on the Muslim

community. Under the Obama administration, the Associated Press reported in August 2011, informants known as "mosque crawlers" monitor sermons, bookstores and cafes.

Top Secret America

In July 2010, the *Washington Post* released "Top Secret America," a series of articles detailing the results of a two-year investigation into the rapidly expanding world of homeland security, intelligence and counterterrorism. It found that 1,271 government organizations and 1,931 private companies work on counterterrorism, homeland security and intelligence, at about 10,000 locations across the U.S.A. Every single day, the

The Electronic Frontier Foundation documented thousands of violations of the law by FBI intelligence operations, from 2001 to 2008, and estimate that there are over 4,000 such violations each year.

National Security Agency intercepts and stores more than 1.7 billion emails, phone calls and other types of communications. The FBI has a secret database named Guardian that contains reports of suspicious activities filed from federal, state and local law enforcement. According to the *Washington Post*, Guardian contained 161,948 files as of December 2009. From that database, there have been 103 full investigations and at least five arrests, the FBI reported. The Obama administration has done nothing to cut back on the secrecy.

Other Domestic Spying

There are at least 72 fusion centers across the U.S.A., which collect local domestic police information and merge it into multi-jurisdictional intelligence centers, according to recent report by the ACLU. These centers share information from federal, state and local law enforcement and some private companies to secretly spy on Americans. These all continue to grow and flourish under the

Obama administration.

Abusive FBI Intelligence Operations

The Electronic Frontier Foundation documented thousands of violations of the law by FBI intelligence operations, from 2001 to 2008, and estimate that there are over 4,000 such violations each year. President Obama issued an executive order to strengthen the Intelligence Oversight Board, an agency which is supposed to make sure the FBI, the CIA and other spy agencies are following the law. No other changes have been noticed.

Wikileaks

The publication of U.S. diplomatic cables by Wikileaks and then by mainstream news outlets sparked condemnation by Obama administration officials, who said the publication of accurate government documents was nothing less than an attack on the United States. The attorney general announced a criminal investigation and promised, "this is not saber rattling." Government officials warned State Department employees not to download the publicly available documents. A State Department official and Columbia University officials warned students that discussing Wikileaks or linking documents to social networking sites could jeopardize their chances of getting a government job, a posture maintained for several days until reversed by other Columbia officials. At the time this was written, the Obama administration continued to try to find ways to prosecute the publishers of Wikileaks.

Censorship of Books by the CIA

In 2011, the CIA demanded extensive cuts from a memoir by former FBI agent Ali H. Soufan, in part because it made the agency look bad. Soufan's book detailed the use of torture methods on captured prisoners and Agency mistakes that led to 9/11. Similarly, a 2011 book on interrogation methods by former CIA agent Glenn Carle was subjected to extensive black outs. The CIA under the Obama administration continues its push for censorship.

Blocking Publication of Photos of U.S. Soldiers Abusing Prisoners

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In May 2009, President Obama reversed his position of three weeks earlier and refused to release photos of U.S. soldiers abusing prisoners. In April 2009, the U.S. Department of Defense told a federal court that it would release the photos. The photos were part of nearly 200 criminal investigations into abuses by soldiers.

Technological Spying

In August 2011, hearing rumors to protest against fatal shootings by their police, the Bay Area Transit System shut down cell service in four rail stations. Western companies sell email surveillance software to repressive regimes in China, Libya and Syria, to use against protestors and human rights activists. Surveillance cameras monitor residents in high crime areas, street corners and other governmental buildings. Police department computers ask for and receive daily lists from utility companies, with addresses and names of every home in their area. Computers in police cars scan every license plate of every car they drive by. The Obama administration has made no serious effort to cut back these new technologies of spying on citizens.

Use of "State Secrets" to Shield Government and Others from review

When the Bush government was caught hiring private planes from a Boeing subsidiary to transport people for torture to other countries, the Bush administration successfully asked the federal trial court to dismiss a case by tortured detainees, because having a trial would disclose "state secrets" and threaten national security. When President Obama was elected, the "state secrets" defense was reaffirmed in arguments before a federal appeals court. It continues to be a mainstay of the Obama administration effort to cloak their actions and the actions of the Bush administration in secrecy.

In another case, it became clear in 2005 that the Bush FBI was avoiding the Fourth Amendment requirement to seek judicial warrants to get telephone and Internet records by going directly to the phone companies and asking for the records. The government and the companies, among other methods of surveillance, set up secret rooms where phone and Internet traffic could be mon-

itored. In 2008, the government granted the companies amnesty for violating the privacy rights of their customers. Customers sued anyway. But the Obama administration successfully argued to the district court, among other defenses, that disclosure would expose "state secrets" and should be dismissed. The case is now on appeal.

Material Support

The Obama administration successfully asked the U.S. Supreme Court not to apply the First Amendment and to allow the government to criminalize humanitarian aid and legal activities of people providing advice or support to foreign organizations, which are listed on the government list as terrorist organizations. The material support law can now be read to penalize people who provide humanitarian aid or human rights advocacy. The Obama administration solici-

The Obama administration has prosecuted five whistleblowers under the Espionage Act, more than all the other administrations in history put together.

tor general argued to the court, "When you help Hezbollah build homes, you are also helping Hezbollah build bombs." The court agreed with the Obama argument that national security trumps free speech in these circumstances.

Chicago Anti-war Grand Jury Investigation

In September 2010, FBI agents raided the homes of seven peace activists in Chicago, Minneapolis and Grand Rapids, seizing computers, cell phones, passports, and records. More than 20 anti-war activists were issued federal grand jury subpoenas and more were questioned across the country. Some of those targeted were members of local labor unions, others – members of organizations like the Arab American Action Network, the Columbia Action Network, the Twin Cities Anti-War Campaign, and the Freedom Road Socialist Organization. Many were active internationally and visited resistance groups

in Columbia and Palestine. Subpoenas directed people to bring anything related to trips to Columbia, Palestine, Jordan, Syria, Israel or the Middle East. In 2011, the home of a Los Angeles activist was raided, and he was questioned about his connections with the September 2010 activists. All of these investigations are directed by the Obama administration.

Punishing Whistleblowers

The Obama administration has prosecuted five whistleblowers under the Espionage Act, more than all the other administrations in U.S. history put together. They charged a National Security Agency advisor with ten felonies under the Espionage Act for telling the press that government eavesdroppers were wasting hundreds of millions of dollars on misguided and failed projects. After their case collapsed, the government, which was chastised by the federal judge as engaging in unconscionable conduct, allowed him to plead to a misdemeanor and walk. The administration has also prosecuted former members of the CIA, the State Department, and the FBI. They even tried to subpoena a journalist and one of the lawyers for the whistleblowers.

Bradley Manning

Army Private Bradley Manning is accused of leaking thousands of government documents to Wikileaks. These documents expose untold numbers of lies by U.S. government officials, wrongful killings of civilians, policies to ignore torture in Iraq, information about who is held at Guantanamo, cover-ups of drone strikes and abuse of children, and much more damaging information about U.S. malfeasance. Though Daniel Ellsberg and other whistleblowers say Bradley is an American hero, the U.S. government has jailed him and is threatening him with charges of espionage, which may be punished by the death penalty. For months, Manning was held in solitary confinement and forced by guards to sleep naked. When asked about how Manning was being held, President Obama personally defended the conditions of his confinement, saying he had been assured they were appropriate and meeting our basic standards.

Solitary Confinement

At least 20,000 people are in solitary confinement in U.S. jails and prisons,

some estimate several times that many. Despite the fact that federal, state and local prisons and jails do not report actual numbers, academic research estimates tens of thousands are kept in cells for 23 to 24 hours a day in super-maximum security units and prisons, in lockdown, in security housing units, in “the hole,” and in special management units or administrative segregation. Human Rights Watch reports that one-third to one-half of the prisoners in solitary are likely mentally ill. In May 2006, the U.N. Committee on Torture concluded that the United States should “review the regimen imposed on detainees in supermax prisons, in particular, the practice of prolonged isolation.” The Obama administration has taken no steps to cut back on the use of solitary confinement in federal, state or local jails and prisons.

Special Administrative Measures

Special Administrative Measures (SAMs) are extra harsh conditions of confinement imposed on prisoners (including pre-trial detainees) by the attorney general. The U.S. Bureau of Prisons imposes restrictions such as segregation and isolation from all other prisoners, and limitation or denial of contact with the outside world, for example such as: no visitors except attorneys, no contact with news media, no use of phone, no correspondence, no contact with family, no communication with guards, 24-hour video surveillance and monitoring. The DOJ admitted in 2009 that several dozen prisoners, including several pre-trial detainees, mostly Muslims, were kept incommunicado under SAMs. If anything, the use of SAMs has increased under the Obama administration.

* * *

These twenty concrete examples document a sustained assault on domestic civil liberties in the United States under the Obama administration. Rhetoric aside, how different has Obama been from Bush in this area? **CP**

Bill Quigley is a human rights lawyer and law professor at Loyola University, New Orleans. He also serves as associate legal director of the Center for Constitutional Rights.

Obama's Attack on Social Security and Medicare

By Dave Lindorff

When Barack Obama was running for president, back in 2008, he was pretty definite about his seemingly progressive position on Social Security. While he conceded the arguable point that Social Security would face a crisis several decades into the future, he also claimed, both on the stump and in debate with candidate Hillary Clinton, that he was opposed to benefit cuts and to privatization. He also insisted at that time that the answer was to raise the cap on income subject to Social Security taxation, and he declared himself opposed to the idea of putting some “commission” in charge of coming up with a “solution.”

What a difference getting elected makes, especially when you get elected with the help of truckloads of money from Wall Street financial interests. No sooner had Obama moved into the White House than he changed his tune and began suggesting, in what has proved over the next two and a half years of his presidency to be his “negotiation” style – which is to give away 90 per cent of the ground before you start to negotiate – that he was open to discussing benefit cuts. He also did a 180 and announced that he would appoint a deficit-reduction commission to come up with recommendations. When he appointed that commission, he announced that he would be “agnostic” toward any recommended changes, including cuts to Social Security, thus telegraphing in advance, in case the commission members needed encouragement, that he was ready to undermine this key New Deal legacy.

Medicare was tossed into the same hopper. In fact, in the case of Medicare it got worse. Obama had campaigned for office claiming that he would fix the nation's disastrous health care system, which for decades now has featured the highest costs and the highest rate of cost inflation, as well as some of the poorest health statistics (life expectancy, infant mortality, etc.) in the developed world, all the while leaving some 40 per cent of the population uninsured and without access to basic care. There was an easy fix to all these problems, right in

front of him – one which the majority of Americans, and the overwhelming percentage of those who had voted for Obama in November 2008, have consistently told pollsters they favored: extending Medicare to cover everyone, instead of just those 65 and older.

Medicare, while it is hardly perfect and has been weakened by Congressional restrictions on its ability to negotiate volume discounts for drugs and pharmaceutical products, and by privatization schemes that give huge subsidies to private insurers that compete with Medicare, has nonetheless demonstrated for years that it can deliver quality care far more cheaply to everyone eligible for it than can private insurers. It has an administrative overhead of just 4 per cent, compared to over 20 per cent for private insurers, and it doesn't operate by trying to deny care, as private insurers do.

It is undeniable that if Medicare were simply expanded to cover all Americans, the result would be immediate, huge savings to both the general public and employers, and even for taxpayers, since it would eliminate the need for hundreds of billions of dollars currently spent annually on veterans' medical care, on Medicaid care for the poor, on subsidies and reimbursements to hospitals for so-called charity care, and, most importantly, on the hidden subsidies for such charity care. These are hidden in the inflated fees charged by hospitals and doctors to insured patients, and in the inflated premiums that their insurers charge to cover those inflated fees.

Yet, when President Obama assembled a session with health care industry representatives at the White House to help him develop a health care reform plan, he deliberately excluded advocates of the idea of Medicare for All, or what has been called “single-payer,” or, alternately, the Canadian-style health system, even barring representatives from the doctors' organization Physicians for a National Health Plan (PNHP). The fix was in. Obamacare was to be a plan constructed

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around the needs and interests of the health insurance industry, not around the needs of the people of the country.

Worse yet, Medicare, which is tasked with financing care of the sickest and most costly portion of the population – the disabled and the elderly – even suffered cuts to help finance the additional costs embedded in Obamacare. Not surprisingly, having left Medicare out in the cold, the White House now is talking about cutting what is clearly one of the country's most successful federal programs – one that even had Tea Party activists defending it during the health care debates, with their oxymoronic signs, saying: "Keep your government hands off my Medicare!"

This president never had the slightest interest in finding, or even in hearing about, the obvious solution to the nation's crisis in health care, which is now costing over 17 per cent of GDP, while health care costs just 10 per cent of GDP in Canada, 12 per cent of GDP in France, 11 per cent of GDP in Germany, 8 per cent of GDP in Japan and the U.K., and 9 per cent of GDP in Italy. He is interested in finding a solution that will ingratiate him with the insurance industry, the pharmaceutical industry, and the American Medical Association – the most retrograde, greedy and self-aggrandizing group of doctors you could find – all big contributors to his 2008 campaign.

And so, we had the deficit-reduction commission, which was headed by two known enemies of Social Security and Medicare, Erskine Bowles and former Wyoming Sen. Alan Simpson (who famously said, while serving as co-chair of the commission, that Social Security was "a milk cow with 310 million tits"). This commission, quite predictably, came out with "rescue" proposals that featured raising the retirement age for Social Security, reducing the benefits for future retirees, and "adjusting" the methodology for accounting for inflation in setting benefit payments for current and future retirees (a downward adjustment, of course) – a sneaky and invisible way of slowly diminishing the benefits paid over time. And on Medicare, we had the wacky and thoroughly inhumane proposal to raise the age of eligibility from the current 65 to 67. After all, if employers continue to lay people off at 65, as they certainly will, and as people leave their jobs, often not because they want

to but because they are no longer physically capable of doing them (think about truck and bus drivers whose vision is failing, or manual laborers whose backs, legs or hearts are giving out), what are these retirees to do when they lose their employer-provided health insurance and their incomes, and yet still have to wait two years to get access to medical care through Medicare? (The idea is not even good for business, because the likelihood is that workers, knowing they would be on their own after retiring, would push forward any needed major medical procedures, such as a disk repair or a hip replacement, getting it done on the company plan before they lose it.)

Actually, it is at the other end, among the so-called old "old," where all the costs are to be found. The oldest 10 per cent of Medicare recipients are responsible for

The fix was in. Obamacare was to be a plan constructed around the needs and interests of the health insurance industry, not around the needs of the people of the country.

about 90 per cent of the entire Medicare budget. People in their late 60s tend not to need all that much care, relatively speaking. In fact, lowering the age of Medicare eligibility would add incrementally less to the program's cost on a per-person basis, as you move down in age from 60 to 50 to 40 to 30. It is only when you get to young children, and to women of child-bearing age, that per-person care costs start to rise again. If Obama really wanted to cut Medicare's costs significantly, then, instead of making people aged 65-67 ineligible, he should make those over 90 ineligible. Obviously, this would be viewed by the public as heartless, so he can't do it, and is hoping that raising the entry age to the program will somehow prove more acceptable. Yet the rationale of axing one age group from access to the program is the same.

The saga of the wholly artificial debt-ceiling "crisis" and of the alleged "crisis" of the nation's ballooning national deficit were both just part of a Washington Kabuki theater set-piece in the long

campaign by corporate interests to undermine and ultimately destroy Social Security and Medicare.

In truth, the debt ceiling has always been a contrivance for cutting popular social program spending. No other nation even has a debt ceiling. Their legislative bodies just pass budgets, and their treasuries just make their principal and interest payments on any debt, as required to maintain a sovereign debt rating. Meanwhile, while it is true that this nation's overall debt has risen dramatically since 2000, the rise has nothing to do with either Medicare or Social Security, which have, all through the past decade, been taking in more money than they pay out. The debt has risen for several key reasons, none of which is being addressed by either President Obama or the two political parties in Congress.

The first of these is military spending, which annually consumes more than half of all tax revenues collected by the Treasury. The six wars that the nation is currently engaged in are being fought on borrowed funds, because the government warmongers, knowing the unpopularity of these bloody adventures, has been afraid to ask the taxpayers to pay for them directly. One way they have borrowed to cover those enormous expenses is by quietly borrowing from the Social Security and Medicare Trust Funds – the tax which workers pay out of each paycheck, matched by their employers, and which are required by law to be invested fully in Treasury Bonds, meaning they are lent to the federal government.

Get it? The White House and Congress, for decades, have been collecting our FICA and Medicare taxes, and then taking that money to fund their wars, giving the two Trust Funds Treasury Bills, in exchange for which they have promised to pay interest. But now they are turning around and complaining that that interest money is a "burden" on the taxpayer, and that it has to be reduced.

That's why the Congressional Budget Office, in its 2011 report on the Social Security Trust Fund, claimed that it was running a \$45 billion "deficit" this year for the first time. It was a report that allowed Obama and the gang in Congress that is gunning for Social Security and Medicare to declare a crisis and to call for cuts in benefits. But the truth is that, between the FICA taxes paid into Social

return service requested

Security by current workers and the interest payments paid by the government, the fund was actually running a surplus.

Actually, the deception on the part of the Congressional Budget Office staff was even greater. In 2010, the White House got Congress to agree to “grant” workers a temporary one-year reprieve of 2 per cent of the 7 per cent normally paid out of every check into the Social Security Trust Fund. The idea was supposed to be that this would work like a 2 per cent tax cut, which would then put more money in the hands of consumers, who would then go out and buy stuff and stimulate the economy. But, in an act of staggering betrayal, these same politicians turned around and are now claiming that the \$85 billion that the government paid into the Trust Fund to cover the missing employee tax payments meant the system was in deficit, and, thus, benefits needed to be cut. That is, the extra money they said they were “giving” workers as a tax “cut” would actually be coming out of their retirement benefit payments later, and would also be used as a justification for attacking the Social Security system.

It doesn't get more obscene than this.

The other reason for the nation's huge deficit increase over the decade is the ongoing Bush tax cuts for the wealthy and for corporations, which could have been killed easily by an Obama veto. But Obama has chosen to allow them to continue. Oh, he complains about them, but he had all the power he needed to end them. With only a narrow majority in the House and with Democrats in charge of the Senate, Republicans could never have managed an override, even with the votes of some conservative Democrats.

There is no question but that the Social Security System, which has been piling up surpluses since 1981 to cover the coming tsunami of the Baby Boomers into retirement, is going to come up short without some additional revenue – reportedly, in 2037. People are living longer than anticipated, which should be seen as a good thing, not a crisis. But President Obama knows this is not a crisis. As he used to say, back when he was a candidate, it's a problem that can be easily solved if addressed now, by simply eliminating the cap on income subject to Social Security taxation – a cap that currently exempts all income above

\$106,000! In fact, the U.S.A. is at the low end of developed nations in terms of the percentage of retirement income provided by public pensions, with the average American only having Social Security cover some 40 per cent of their retirement expenses. That percentage could be easily raised, and more of our low-income elders who have no other resources could be lifted out of abject poverty, if Congress and the president agreed to a stock-transfer tax dedicated to Social Security, and if Social Security taxation, currently only applied to wages and the Schedule C profits of small businesses, were applied to investment income, or what the IRS calls, with no sense of irony, “unearned” income.

There are easy solutions for the financial problems facing both Medicare and Social Security. But both are political problems, not actuarial ones, as Obama and the lobbyist-owned members of the two parties in Congress are trying to have us believe. **CP**

Dave Lindorff, author of *Killing Time* and *The Case for the Impeachment of George W. Bush*.