

Israeli-Palestinian Talks Founder, Again

President Obama pondered freeing Israeli spy Jonathan Pollard to keep Israeli-Palestinian negotiations sputtering along, but Israel's demand to be called a "Jewish state" and its refusal to free more Palestinian prisoners have pushed the talks to the brink, notes ex-CIA analyst Paul R. Pillar.

By Paul R. Pillar

The hang-up in current well-intentioned U.S. efforts to wring out of Israeli-Palestinian talks something that could be called a framework agreement, with the Obama administration evidently so anxious for such a result that it is contemplating a move to buy favor with Israel that would be just as mistaken as the last time it came up, is a familiar example of each side wanting the other to move first.

This sort of situation has arisen repeatedly in what we still call the Middle East peace process. The present stand-off involves implementation of a prior understanding according to which the Israelis would release some Arab prisoners while the Palestinian Authority would limit its diplomacy to talking with the Israelis and Americans rather than referring its grievances to international forums where anyone perpetuating an illegal occupation would have a decided legitimacy deficit.

Israelis are understandably reluctant whenever they are called on to release prisoners with blood on their hands. Palestinians are understandably reluctant to limit themselves perpetually to a talkfest that, 47 years and 650,000 Israeli settlers after the occupation began, still leaves them stateless.

The reluctance to go first is old. What is new in this round of the talkfest is the Netanyahu's government insistence that the Palestinian Authority perform some sort of anointment of Israel, the full and formal name of which is "State of Israel," and which the Palestinians long ago formally recognized, as a "Jewish state." The demand regarding the "Jewish state" formulation was not one that ever appeared during negotiation of Israeli peace treaties with Egypt and Jordan, when indefinite delay was not an Israeli government objective.

Robert Satloff makes one of the more game and creative efforts to rationalize this inconsistency by saying that the conflicts with Egypt and Jordan were "essentially territorial disputes" whereas the one with the Palestinians is "existential" and raises "deep in the minds of many Israelis" that the Palestinians with whom they are negotiating "have a long-term plan to destroy Israel."

The idea of such an existential threat to an Israel that is overwhelmingly more powerful than the Palestinians and would remain so with a two-state solution is, of course, risible. It might cease to become so only over the long-term, and only because of demographic reasons and not secret plans, in the *absence* of a two-state solution.

The Palestinian leadership is understandably resistant to the “Jewish state” demand partly because it would implicitly bias how to resolve the “right of return” issue, which today is really more an issue of right to compensation. The reluctance also is understandable because acceding to the demand would mean having Palestinian leaders explicitly endorsing second-class status for Arabs within Israel.

That latter factor gets back to the current impasse over release of prisoners. Palestinian Authority president Mahmoud Abbas says Arab Israeli prisoners should be included in the release; the Israeli government strongly opposes including them and contends that was never part of its understanding with the Palestinian Authority.

So there is another inconsistency at hand. The “Jewish state” demand implicitly draws a line that leaves on the outside the more than 20 percent of Israel’s residents who are not Jewish. But the Israeli government has drawn another line that also leaves these people outside the orbit of those on whose behalf Abbas can speak or negotiate.

Israeli Arabs do have some political rights, being able to vote and elect members of the Knesset, although with an unwritten rule that Arab representatives can never be part of a governing coalition or form part of the necessary support for one. That would hardly make any less offensive a Palestinian Arab leader endorsing their second-class status.

The fact that there exist U.S. congressional districts with large Jewish populations that regularly elect Jewish representatives would not make it any less offensive (and not just to the establishment clause of the Constitution) if the United States were to declare itself a “Christian state” and to insist that other nations declare it so as well.

The “Jewish state” demand is clearly another way for the current Israeli government to avoid coming to closure on creating a Palestinian state while seeking to attribute blame for any breakdown of negotiations to the Palestinians. It thus is a way to continue the occupation indefinitely without admitting that this is what is happening.

More broadly, the tactic is yet another indication of this Israeli government’s

refusal to recognize, as a geographic and demographic reality, that Israel cannot be democratic, Jewish, and sovereign over all the land between the Mediterranean and the Jordan. It can be any two of those things but not all three.

Netanyahu's government has in effect chosen, without admitting it, democracy as the characteristic to be discarded. This choice is the fundamental reason this round of negotiations, although it was admirable for the U.S. administration to have a go at it, faces failure.

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.)

'We're All Cheneyites Now'

In late 2008, when President Obama opted more for "continuity" than "change" – and ceded control over much of his foreign policy to hawkish "rivals" – he locked in many of Dick Cheney's neocon theories that trampled constitutional principles, as retired JAG Major Todd E. Pierce explains.

By Todd E. Pierce

Dick Cheney's ideology of U.S. global domination has become an enduring American governing principle regardless of who is sitting in the Oval Office, a reality reflected in the recent Ukrainian coup, the 2011 "regime change" in Libya and drone wars waged in several countries by President Barack Obama.

The final form of this ideology took shape in 1991 with the collapse of the Soviet Union when the world was then to be subjected to eternal U.S. military dominance, as revealed in the leaked "[Draft Defense Planning Guidance](#)" (DPG) devised by Cheney's subordinates when he was Defense Secretary under President George H.W. Bush.

Since then, Cheney has been so successful in propagating this ideology of permanent U.S. domination abroad and rule by a "unitary executive" at home that it has now survived multiple changes of U.S. presidents largely intact. It is so much attributable to Dick Cheney that it merits his name: Cheneyism.

As unprecedented as Cheneyism may be not even history's most power-mad conquerors ever envisioned anything like "full-spectrum dominance" President

Obama has cemented Cheney's ideological legacy by continuing his unilateralism and even expanding it into such executive powers as targeted killings of American citizens accused of terrorism.

Cheney's ideology combines militarism under a state of permanent war with an un-American, anti-constitutional authoritarianism. It also embraces an aggressiveness toward past, present and possibly future adversaries, especially Russia.

Robert Gates, who was CIA director in 1991, has written in his memoir *Duty* that with the collapse of the U.S.S.R., Cheney "wanted to see the dismantlement not only of the Soviet Union and the Russian Empire but of Russia itself," so "it could never again be a threat to the rest of the world."

Little wonder that Russian President Vladimir Putin concluded that denying Russian access to Crimean ports via the coup in Ukraine was just one step in a larger U.S. plan to deny Russia a means of naval defense, just as he might have seen the Kosovo War in the late 1990s as a move against a Russian ally.

While there remains some slight domestic opposition to Cheney's most visible legacy, the U.S. global military prison at Guantanamo, there is virtually no deviation in the United States from the core of Cheney's ideology. That is, the unrelenting pursuit of total U.S. global military domination as outlined in the Defense Planning Guidance.

This February's successful subversion of Ukraine's democratically elected government by Assistant Secretary of State for European Affairs Victoria Nuland is merely the latest example of U.S. policies first conceived and promoted by Cheney and like-minded ideologists, including Nuland's husband, renowned neocon Robert Kagan, a co-founder of the Project for the New American Century.

If there was any doubt about the continuation of Cheneyism under Obama, the activities of Nuland a Bush-43 holdover who was promoted by Secretary of State Hillary Clinton and then Secretary of State John Kerry shows there was no real break in foreign policy with the change of administrations in 2009.

As revealed by Nuland, there has not been a Russian policy "reset" by the U.S.; it was a mere subterfuge. And as Putin is learning, any objection to U.S. strategic expansionism is treated as "terrorism" or "aggression" and becomes a pretext for U.S. diplomatic, economic and military suppression of the "threat."

In 1991, as conceived by Cheney and other Pentagon ideologues, such as Paul Wolfowitz and David Addington, this strategy of constantly violating other nations' sovereignty has been waged both by military and political means, as in the old adage that war is an extension of politics by other means (and vice

versa).

Yet, the scale of this persistent U.S. subversion of other nations' sovereignty has never been seen before, not even in pre-World War II days by German and Japanese agents or by the Soviet Comintern, none of whom had military commands covering the entire globe.

Cheney may never have served in uniform but he thoroughly internalized the precepts and practices of authoritarian militaristic regimes as an ideologue and infected U.S. political culture with this contagion.

Roots of Cheneyism

Like many other extremist ideologies, Cheneyism grew out of defeat. In this case, the U.S. military defeat in Vietnam and the political defeat of Richard Nixon's administration where Cheney began his career in national politics.

As occurred with Field Marshall Erich Ludendorff and a then obscure corporal named Adolf Hitler following Germany's defeat in World War I, a similar "stab in the back" legend was created by the U.S. military and political leaders after the Vietnam War. They never understood, as General Frederick Weyand did from the beginning, that the Vietnam War was unwinnable by the U.S. military.

Instead, political leaders such as Presidents Lyndon Johnson and Richard Nixon along with strategically challenged Flag Officers, the likes of General William Westmoreland and Admiral U. S. Grant Sharp Jr., held that the U.S. would have won if the "will" to fight hadn't been lost by the American people.

They blamed this on the media and the resultant dissent to the war. Consequently, it became a priority of the U.S. government to control access to information in future wars through censorship and secrecy, to ensure public support through carefully crafted propaganda, and to keep a close eye on any potential dissenters, with various forms of detention available to suppress a disruptive opposition or to stop the dissemination of embarrassing state secrets.

However, even these benighted officials recognized that the U.S. Constitution was an obstacle to the wartime authoritarianism that they aspired to entrench in the U.S. political system. They saw the "exigencies" of war even the undeclared kind as shoving the Constitution aside.

The "fountainhead" for this ideology was the Office of Legal Counsel's opinion written by William Rehnquist in 1970, "Re: The President and the War Power: South Vietnam and the Cambodian Sanctuaries" (the so-called "Rehnquist Memo"). This memo asserted the right of the U.S. to wage preemptive war on the thinnest

of grounds.

This political viewpoint was internalized by many military officers and some political officials, including Cheney, notwithstanding their oath to defend the Constitution. The consequences are evident today in the hyper-secrecy and information control policies adopted since 2001 and the arguments by the likes of Cheney for even harsher authoritarian policies.

On Sept. 25, 2001, just two weeks after the 9/11 terrorist attacks, John Yoo, a lawyer who worked for President George W. Bush's Office of Legal Counsel, summarized the concept of unconstrained presidential power.

"It has long been the view of this Office that the Commander-in-Chief Clause is a substantive grant of authority to the President," Yoo wrote. "The power of the President is at its zenith under the Constitution when the President is directing military operations of the armed forces, because the power of Commander in Chief is assigned solely to the President." As support, Yoo cited the Rehnquist Memo.

Though terrorism was always seen by the U.S. Army as mere "sporadic attacks," not rising to the level of war, the U.S. media's immediate conflation of the 9/11 attacks as an "act of war" was the final piece necessary to fully implement Cheney's ideology of permanent warfare by citing the vague threat of terrorism and thus justifying unlimited presidential powers.

As a further rationalization for his "unitary executive theory," Cheney cited the 1987 congressional Iran-Contra committee's "minority report" that he and other Republican members drafted in defense of President Ronald Reagan's defiance of legal constraints on his execution of foreign policy.

In the report, Cheney details Reagan's "struggle" against those legal obstacles as justified by the Constitution's separation of powers that Cheney argued empowered the President to cast off the shackles of both U.S. and international law in the name of "national security."

Then came the other foundational document of Cheney's ideology: the 1991-92 draft Defense Planning Guidance, wherein the Defense Department under Cheney declared *de facto* global military domination by the United States (as described in Harper's Magazine). While the DPG had multiple authors and it became known as the Wolfowitz Doctrine the draft report was prepared under Cheney's sponsorship as Secretary of Defense.

For Cheney, it was as if he saw the Cold War as having been a winner-take-all contest for global domination. When the U.S. "won," the countries of the world were to submit to global U.S. domination. As stated in Harper's Magazine, the

United States would move from “countering Soviet attempts at dominance to ensuring its own dominance.”

More specifically, in addition to the first objective of the U.S. being “to prevent the re-emergence of a new rival,” primary objectives were also “to establish and protect a new order that holds the promise of convincing potential competitors that they need not aspire to a greater role or pursue a more aggressive posture to protect their legitimate interests” and to “maintain the mechanisms for deterring potential competitors from even aspiring to a larger regional or global role.”

After the draft DPG was leaked, causing controversy with U.S. allies, it was withdrawn and revised but with no substantive changes. It was released in January 1993 as the Defense Strategy for the 1990s, just as the Bush-41 administration was giving way to Bill Clinton’s administration.

If this grandiose document merely represented the excesses of one administration, there would be no need to write about it as a new American ideology. But as Wolfowitz wrote in 2000, and quoted by author James Mann in *Rise of the Vulcans*, these ideas “turned into the consensus, mainstream view of America’s post-cold war defense strategy.”

Mann pointed out that Wolfowitz’s assessment may have been a slight exaggeration but after a review of defense issues Clinton preserved the general outlines of the force structure and strategy that had been worked out under Cheney and Wolfowitz.

Cheney’s ideology of permanent U.S. dominance achieved its purest form under President George W. Bush, with Cheney as his influential Vice President. But Cheneyism also has maintained a strong foothold in the five years of the Obama administration. Though President Obama may have learned that there are limits to U.S. military power, that message apparently never got through to the likes of Senators John McCain and Lindsey Graham or to many prominent opinion leaders at major news organizations and think tanks.

Indeed, broadly understood, Cheney’s geopolitical ideas have become the consensus of both Republicans and Democrats and have assumed a permanent place in “mainstream” American political thought and governance under Obama.

Cheney’s ideology, which was put into legal terms by John Yoo and other authoritarian-minded attorneys, has been adopted in large part by Obama administration attorneys such as Harold Koh on issues of presidential powers and has become embedded in American jurisprudence.

This reality is displayed in Justice Department arguments and court decisions in

“national security” cases, such as unconstrained surveillance of U.S. citizens, sweeping invocation of state secrets, and defense of military commissions (where the government now invokes the martial law jurisprudence of the Civil War, describing it as U.S. domestic common law of war).

David Armstrong, author of the Harper’s Magazine article on the DPG, wrote that “Cheney’s unwavering adherence to the Plan would be amusing, and maybe a little sad, except that it is now our plan. In its pages are the ideas that we now act upon every day with the full might of the United States military.” This remains true under Obama.

So, for a foreign government to anticipate how the U.S. will act, their analysts need to understand Cheneyism as a controlling ideology in U.S. policy, just as American intelligence analysts were steeped in theories of Marxism and Stalinism during the Cold War. U.S. citizens should understand the tenets of Cheneyism, too, since this arrogant ideology has the potential for disastrous consequences.

These consequences will be economic at minimum, as we have seen from the financial fallout of the Iraq War. But the consequences could eventually be strategic as well, leading to a military catastrophe as has happened to many world powers in the past.

Indeed, there is a German precedent for Cheney’s ideology that is not Nazism. Following the failure of the Imperial German Army in World War I, philosophical militarists such as Ernst Junger and authoritarian legal philosophers like Carl Schmitt came together in the “Conservative Revolutionary Movement.”

Celebrating war and authoritarianism, they believed that Germany was the “exceptional” nation of Europe, deserving of military expansion in both eastern and western Europe. The German Conservative Revolutionaries didn’t all become Nazis, but they created a hospitable culture for them. With hindsight, they could have been called proto-Cheneyites.

Todd E. Pierce retired as a Major in the U.S. Army Judge Advocate General (JAG) Corps in November 2012. His most recent assignment was defense counsel in the Office of Chief Defense Counsel, Office of Military Commissions. In the course of that assignment, he researched and reviewed the complete records of military commissions held during the Civil War and stored at the National Archives in Washington, D.C.
