SENATE

REPORT

Committee of Privileges

Person referred to in the Senate

Dr I.C.F. Spry, Q.C.

117th Report

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REPORT

1. On 23 March 2004 the President of the Senate, Senator the Honourable Paul Calvert, received a submission from Dr I.C.F. Spry, Q.C., Editor, *National Observer*, seeking redress under the resolution of the Senate of 25 February 1988 relating to the protection of persons referred to in the Senate (Privilege Resolution 5).

2. The submission referred to statements made by Senator Julian McGauran on 3 March 2004. The President, having accepted the submission as a submission for the purposes of the resolution, referred it to the Committee of Privileges on 23 March 2004.

3. The committee met in private session on 25 March 2004 and, pursuant to paragraph (3) of Privilege Resolution 5, decided to consider the submission. In agreeing to the attached response, the committee has decided to recommend its incorporation in *Hansard* without change.

4. The committee **recommends**:

> That a response by Dr I.C.F. Spry, Q.C., in the terms specified at Appendix 1, be incorporated in *Hansard*.

Robert Ray
Chair

APPENDIX ONE

RESPONSE BY DR I.C.F. SPRY, Q.C. PURSUANT TO RESOLUTION 5(7)(B) OF THE SENATE OF 25 FEBRUARY 1988

RESPONSE

This response relates to a speech made by Senator McGauran on 3 March 2004 in the Senate.

That speech was critical of an Editorial Comment made in *National Observer*, Issue 59, Summer 2004, headed "Israel and Anti-Semitism". The main thesis of the Editorial was that those discussing international affairs should be able to criticise Israel's actions, where appropriate, without being attacked as "anti-semitic". The Editorial Comment was also critical of Israel's practice of creating settlements in adjoining Palestinian territory. *National Observer* agrees with those who believe that these settlements are clearly a major cause of increased unrest in the Middle East and contribute to Palestinian resentments leading to terrorist activity, and *National Observer* also agrees with the many who believe that these settlements should be withdrawn as soon as possible.

Senator McGauran was also critical of the statement in the Editorial Comment that Israel was created through Jewish terrorist activity which involved the murder of civilians and of British soldiers and the driving out of Arabs. However it is correct that this terrorist activity took place in fact, and led to the setting up de facto of a Jewish state. As is commonly the case, the de facto setting up of a country was in due course followed by de jure recognition.

Senator McGauran was also critical of the Editorial Comment for referring to the fact that, as well as Palestinian killings of Israeli citizens, including women and children, Israelis have killed many more Palestinians, including women and children. The question whether Israeli responses have been disproportionate is correctly regarded as an important matter for public discussion.

Senator McGauran referred critically to the Editorial Comment's mention of a 2003 poll in Europe indicating criticism of Israel. However the fact is that there is very widespread criticism of Israel in Europe. Indeed, it appears that in many cases Israeli actions have led to the formation of anti-Jewish feeling more generally.

Senator McGauran's speech created a distorted impression of *National Observer's* Editorial Comment, and in order to correct that distorted impression the Editorial Comment is set out hereunder, as follows –

ISRAEL AND "ANTI-SEMITISM"

An indefensible slur is now encountered whereby any criticism of Israel is referred to by Jewish supporters as "anti-semitism." This slur is inexcusable.

Israel is a state that was created by Jewish terrorist activity which involved the murder of civilians and British soldiers and the driving out of Arabs. It has acted to defend its unlawfully acquired territory, but has also assumed the deliberate practice of creating settlements in adjoining Palestinian territory.

These deliberate and carefully planned appropriations of Palestinian lands are indefensible. Not only do they involve oppression of the unfortunate Palestinians, but they also demonstrate Israel's bad faith.

Israeli propaganda attempts to persuade that the Palestinians are irrational and that their resort to terrorism is entirely unjustified. This propaganda recounts how Jewish citizens, including women and children, are being killed by Palestinian suicide bombers. But this Israeli propaganda is silent in regard to Palestinian complaints that the Israelis have killed many more Palestinians, including women and children, than the Palestinians have killed Israelis. The dishonesty of the Israeli position is found in the inconsistency in Israeli complaints about Palestinian actions and the subtle but persistent continued appropriation of Palestinian territory. Although terrorist acts are per se undesirable, in the present case the Palestinians should not be blamed unless equal or greater blame is allotted to the Israelis.

The Jewish writer, Tanya Reinhart, a Professor of Linguistics and Cultural Studies at Tel Aviv University, has commented:[1]

"Sharon, now Israel's Prime Minister, describes its present war against the Palestinians as 'the second half of 1948' . . . By now there can be little doubt that what they mean by that analogy is that the work of ethnic cleansing was only half completed in 1948, leaving too much land to Palestinians. Although the majority of Israelis are tired of wars and of the occupation, Israel's political and military leadership is still driven by the greed for land, water resources and power. From that perspective, the war of 1948 was just the first step in a more ambitious and more far-reaching strategy."

It is for such reasons that in a recent European opinion poll Israel was regarded as a greater threat to peace than Iraq and other such countries. This perception is well based, in so far as intense resentment amongst Arabs of Israeli oppression has fuelled radical Islamic groups and continues to do so. The United States has been an obstacle in these regards. At the instance of the wealthy and powerful New York Jewish lobby successive American governments have vetoed United Nations' resolutions censoring Israel and have provided money and support for oppressive Israel policies.

The response to these unpleasant facts by many Jewish supporters of accusing their critics of being "anti-semitic"[2] represents an important attempt to blackmail and to preclude the proper discussion of Israeli actions.

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[1] Israel/Palestine, 2002, Allen & Unwin, pages 10-11. This important book, by a conscientious Jewish observer, merits careful reading. It contains a careful analysis of Israeli policy over the past decade, from which it is evident that Israeli governments have dissembled their intention to increase their occupation of Palestinian lands and that they have been working steadily towards this objective.

[2] And in any event, many Palestinians are also Semitic, as well as Jews.