

## Keeping Israel Out of Court: What Congress Does in the Dark

All through the last Congress, the two political parties were at loggerheads. Despite many unaddressed issues facing their constituents, the Republican House and the Democratic Senate could not agree on actions in the national interest.

But there was one notable exception. When war broke out in Gaza with an overwhelming Israeli assault on civilian neighborhoods, the world watched in horror as civilians, housing, hospitals and schools were devastated for the third time in six years. There is plenty of evidence that Israel provoked this war after the latest round of peace negotiations with the Palestinians broke down in April – a breakdown that even Secretary of State Kerry attributed to Israel’s bad faith.

And what did our Congress do in the face of this onslaught? It rallied, with one voice, to support Israel’s “right to defend itself” and it voted more than \$300 million in extra military aid on top of the already \$3.1 billion that it gives Israel every year. Israel’s powerful US lobby, AIPAC ( the American Israel Political Action Committee) sent out the word, and like moths to the flame, virtually every member, regardless of party, came running to pass the requested legislation, without even a public debate, because there was only one opinion.

Why bring this up now? Because it happened again in December, just before Congress adjourned. A virtually unanimous vote approved the usual \$3.1 billion in aid, plus an extra \$600 million in military aid to a country widely recognized as already the fourth or fifth strongest military regime in the world. Once again, as the AIPAC lobbyist proudly proclaimed on You-Tube, AIPAC got everything it asked for, with a special hook: The new legislation requires the president to withhold \$400 million dollars of aid to the Palestinian Authority if it brings a case against Israel at the International Criminal Court (ICC), which Palestine has just joined.

Many of the largest campaign contributors to Congressional campaigns look to AIPAC for guidance about where to direct their support. Members of Congress do not want to stick out as contrary on AIPAC’s issues. So once again in December, when AIPAC called, the members swarmed like moths to the flame, or maybe it was like bear cubs to the honey pot. In any case, they did it quietly, so nobody would notice that they had just raised Israel’s allowance and promised to punish the Palestinian Authority for going to the ICC.

When two parties have a dispute there are really only three ways to end it. They can negotiate a mutually agreeable outcome, or they can fight it out until the

stronger party prevails, or, if there is a court available that enforces community norms, one of them can bring the other to court for a hearing of the evidence.

Ever since 1993 and the Oslo Agreements, Israel and the PA have been involved in repeated negotiations – the so-called peace process – to reach a final agreement on 1) Palestine’s borders, 2) the end of Israel’s occupation, and 3) the rights of Palestinian refugees from 1948 to return to Israel or receive compensation. That agreement was supposed to be completed and implemented within five years.

But 22 years have passed. Israel has refused to meet the terms of Oslo, insisting that the PA must make “compromises,” while Israel took multiple actions to establish permanent control of Gaza, the West Bank and East Jerusalem. Israeli leaders regularly create new “facts on the ground” that are making a Palestinian state impossible. Their actions and demands violate their Oslo commitments. They also violate international law, and many expert observers believe their military actions have included internationally recognized war crimes.

Clearly the promise of Oslo was broken long ago. As someone recently said, trying to negotiate with Israel is like trying to reach a fair settlement with someone who has stolen your pizza and is eating it while you negotiate. An outright war between Israel and the Palestinians would be devastating for the Palestinians. No surprise then that the PA has taken its case to the ICC.

But now Israel in retaliation has withheld tax receipts that belong to the PA (another war crime!) and the US Congress, guided by AIPAC, is threatening to withhold aid to the PA to pressure it not to bring an actual case to court. Sen. Rand Paul has even proposed to withhold aid from the PA if it even accepts the jurisdiction of the ICC. (Neither the US nor Israel have joined the majority of nations in accepting the court’s jurisdiction.)

This is a sorry state of affairs. American legislators need to honor the rule of law internationally, not punish nations that resort to the courts instead of to war and bullying. And Israel needs to stop stalling on its promise to work for peace with justice. None of Connecticut’s members in the House or Senate have gotten this message. They take strong positions on many issues but on this one they let AIPAC lead them around by the nose, like moths to the flame, like bear cubs to the honey pot. What a shame. *2/22/2015*

*By NEW HAVEN JEWISH VOICE FOR PEACE CONTACT US AT JVPNH.ORG*

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