

– An Open Letter to President Barack Obama –

Dear President Obama,

You renewed hope for a nation drained by interminable wars and economic trauma. You proclaimed that there is no problem we cannot solve, that we can say yes to justice and equality, and that we will oppose attempts by any group to restrict the rights of others. But Israeli violations of Palestinian rights continue virtually unopposed by America as yet another ‘peace process’ has failed. A new approach to this matter is desperately needed, and we would greatly appreciate your consideration of the following analysis and recommendations in this regard.

Secretary Kerry’s retraction notwithstanding, the occupied territories indeed are descending into a form of apartheid as Israel relentlessly confiscates and settles Palestinian land. The latter process is nothing new: the Zionist *modus operandi* for establishing an ethnic state in Palestine was to take as much land as possible, cleanse it of most of its Palestinians, and bring in enough Jews to ensure a dominant Jewish majority. In extending these methods to the occupied territories, Israel advances its endgame of a Jewish state in all—or nearly all—of Palestine. But it comes with terrible human costs.

For centuries prior to Israel’s establishment, Palestinians were a large majority in, and owned most of, Palestine. According to the *Survey of Palestine*, Jews owned less than 6% in 1943, most of which they had purchased. Through its establishment and the 1948 war, Israel increasingly took Palestinian property by force and subterfuge, inducing some 750,000 Palestinians to leave and permanently barring them from returning to their properties in what is now Israel. Israeli historian Ilan Pappé meticulously documents this in *The Ethnic Cleansing of Palestine*. Now Israel encompasses about 78% of Palestine, and Palestinians constitute only about 20% of its population. According to the late scholar and Holocaust survivor Israel Shahak, 80% of Israel was confiscated from Palestinians. Moreover, most of this land is reserved exclusively for Jews.

Israel occupied the remainder of Palestine in 1967. The implicit intent of the 1993 Oslo Accords was for the Palestinians to incrementally take control of these occupied territories for a state of their own, with East Jerusalem as its capital. The West Bank and Gaza were to be connected by travel corridors. Simultaneously, Israel would wind down its occupation. Instead, Israel *de facto* annexed East Jerusalem and cut it off from the West Bank by its separation barrier, eliminating it as a Palestinian capital. And it has turned Gaza into the initial Palestinian bantustan. Although Gaza no longer is occupied, Israel’s virtual blockade imposes even harsher conditions on its population.

In the West Bank, Israel continues to violate Palestinian property rights by confiscating large amounts of Palestinian land. In Area C, 60% of the West Bank as defined by Oslo 2, Israel has made it particularly difficult for Palestinians to obtain building permits, demolished thousands of Palestinian homes, and expanded its settlements in violation of international law. As a result, Jews are now a large majority in Area C. Many of Area C’s Palestinians have had to find new living space and are increasingly confined in Area A, 18% of the West Bank controlled by the Palestinian Authority (PA), and Area B, 22% of the territory under PA civil control but *de facto* Israeli security control. But A and B are so fragmented by C that it would be problematic to establish a viable Palestinian state in A and B, and Israeli settlements also are encroaching on B. If this scenario plays out according to trend, Israel could annex C and B to achieve its endgame by encompassing 95% of Palestine. The Palestinian “pseudo-state” would constitute 5 percent: isolated fragments—bantustans—borders controlled by Israel, “capital” perhaps Ramallah, disconnected from Gaza. Areas C and B might retain a Palestinian minority, as does Israel, but they also are unlikely to enjoy real equality with the Jewish majority.

This scenario is no idle speculation. Indeed, it is so close to realization that the opportunity for a viable Palestinian state evidently has vanished. Instead, a new strain of apartheid is increasingly evident in Palestine. And it is enabled by massive human rights violations.

By advancing its agenda, Israel provokes Palestinian resistance—non-violent, mildly violent, and militant. In suppressing this resistance, Israel violates more human rights, almost always with impunity. All of this is facilitated by the military law and military orders that Israel applies to West Bank Palestinians. Military Order 101 is especially damaging. It denies Palestinians and their supporters the right to peacefully protest the occupation without a permit from the Israeli military commander responsible for enforcing the occupation. Of course, the chances of getting such a permit are virtually zero. When Palestinians protest anyway, Israeli soldiers attack them with tear gas, concussion grenades, rubber-tipped bullets and even live ammunition that have killed and maimed many. As you may know, many of these weapons are made in the US and are paid for with US military aid to Israel. Such scenes are ongoing at Palestinian villages like Bil’in, where Israeli soldiers assault mainly non-violent protests against the encroachment of the Modi’in Illit settlement on Bil’in land. Yes, Palestinian boys and young men sometimes throw stones; the soldiers respond with lethal force even though, according to Amnesty International (AI), the stones pose little danger to them. In one instance, a soldier killed a Bil’in stone thrower by firing a tear gas canister into his face at close range. On May 5, 2014 security cameras caught the killing of Muhammad Salameh, 16, and Nadeem Narawa, 17, by Israeli snipers. Their crime? They may have been throwing stones during a protest against Israel’s administrative detention practices. And in January 2013 Israeli forces repeatedly shot and killed Samir Awad, 16, in broad daylight, apparently for getting close to Israel’s separation barrier.

These cases are not anomalies. According to AI, live fire by Israeli soldiers killed at least 41 Palestinians and seriously injured at least 267 from 2011 to 2013. At least 71 of these casualties were children. In exercising such excessive force, Israel violates international law and the right to life, often with US-subsidized weapons. Shades of Selma and Birmingham, Mr. President—

it’s as if the US government provided the Alabama troopers and Bull Connor with guns and tear gas. Yet the segregationist police didn’t target with rifle fire, not even when the protesters threw stones.

Naturally, there also is a range of militant resistance to Israel’s agenda. Israel spares no effort to crush it, killing and injuring, arresting and imprisoning. According to AI, Israel violates the rights of many hundreds of West Bank Palestinian “suspects”—including children—by arbitrarily arresting and indefinitely detaining them without charges. Typically, this begins with terrifying middle of the night home invasions and arrests. Denied access to a lawyer and a speedy trial, the prisoners commonly are subject to inhumane conditions, including solitary confinement, denial of family visits, and torture. Consider the case of Khadar Adnar, father of three.

In 2011 Israel locked him up without charges. AI, Human Rights Watch (HRW), and B’Tselem—an Israeli human rights organization—all demanded that Israel either charge or release him. Israel refused and he went on a Gandhi-like hunger strike in which he was joined by hundreds of other Palestinian prisoners. After 66 agonizing days, Israel released him for ending the fast that took him to the brink of death. Truly, this stand by Mr. Adnar and his compatriots epitomizes Patrick Henry’s cry, “Give me liberty, or give me death!”

Average Palestinians also are severely impacted by the occupation. Their rights to freedom of movement, commerce, education, medical services and more are greatly curtailed by Israel’s system of walls, gates, checkpoints, roadblocks, ID cards and passes. All of this impedes agriculture, slows transportation to a crawl, represses commerce, and does massive damage to the Palestinian economy. Israeli soldiers and border police wielding US weapons harshly enforce all of this. Israel claims these measures are for its security; but they are applied almost entirely inside *Palestinian* territory and in fact are designed to protect the spreading settlements and to induce Palestinians to emigrate.

Israel’s massacres of families sheltering in Gaza UN schools exceed all of the preceding. Many other cases of wanton Israeli violence could be cited. These acts are hard to categorize other than as war crimes. Yes, Palestinians—especially Hamas—also have committed human rights violations, some of which have been of the most vicious variety. And PA security forces have been accused of abusing their own people. But as Dr. King said of black misdeeds, “...they are derivative crimes. They are born of the greater crimes of the white society.” Just so, Palestinian crimes are born of the greater crimes of the Israeli society. Both sides have abused human rights, but Palestinians generally have done so in defending what was theirs; Israelis have done so in taking what was not theirs.

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What can be done, Mr. President, to end these abuses and thereby counter apartheid in Palestine? You write in *The Audacity of Hope* that we can apply economic and diplomatic pressure to those who violate human rights. More specifically, please recall that the Foreign Assistance Act forbids security assistance to countries that violate human rights, and the Arms Export Control Act prohibits sales of weapons to countries that use them other than for legitimate self-defense and internal security. Since Israel uses US weapons in violating Palestinian rights outside of Israel, rather than strictly for self-defense or internal security, it should not receive US military aid under either Act. Accordingly, we strongly recommend that you suspend military aid and arms sales to Israel until independent, non-conflicted human rights organizations including AI and HRW certify that it has ceased its human rights violations. Should this fail to end the abuses, we recommend that you suspend diplomatic support for Israel—especially at the UN. Of course, security assistance to the Palestinian Authority also should be withheld if its security forces are abusing human rights.

In no way would these actions break your pledges to stand by Israel. Rather, this would mean standing with the many Israelis who support Palestinian rights. It would mean aligning with progressive Israeli organizations like Rabbis For Human Rights, Gush Shalom, Peace Now, B’Tselem, and The Israeli Committee Against House Demolitions, as well as US Jewish organizations like Jewish Voice For Peace and Tikkun. But it would mean breaking with the right-wing establishment that shapes Israel’s current policies. In doing so you could help Israel achieve real democracy by living up to its Declaration of Establishment vow to grant equal rights to all. It may not be easy for Israel to achieve this, but neither was it easy for America to live up to the principle that all men are created equal.

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President Obama, this human rights crisis worsens in the evening of your presidency. What will be your legacy in this matter? Will you feel you did everything possible to oppose Israel’s restriction of Palestinian rights, or will you regret failing to have done so?

You still have time to take meaningful action in this matter. Please begin by suspending aid to Israel—and, if appropriate, to Palestinian security forces—until these shameful human rights violations cease.

The choice is yours alone. Are you really the one we were waiting for? Will this time really be different? Is there really no problem we cannot solve? Are we going to say yes to justice and equality, or are we going to turn away, slump-shouldered? Can we really face down impossible odds and repair this world, or were those just empty words?

We believe they came from the heart, and we have the audacity to hope that you will take these courageous steps, and more, to make them a reality.

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