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November 17, 2023

Honorable Joe Biden  
President of the United States  
1600 Pennsylvania Avenue, N.W.  
The White House  
Washington, D.C. 20500

Re: Israel-Hamas-Gaza-Genocide

Dear Mr. President:

Words only diminish our revulsion at your making the United States complicit in the ongoing genocide of Palestinians in Gaza in violation of the Genocide Convention, the federal prohibition of genocide, 18 U.S.C. 1091, the Leahy Amendments, and the statutory restriction on the use of American arms for defensive purposes only. We urge you to end the deep, daily co-belligerency and comply with the United States' legal obligation to prevent genocide, and employ the resources and influence of the United States to give birth to a two-state solution featuring a Palestinian state initially administered by a United Nations caretaker mission to organize free and fair elections.

Your brutish, unlawful foreign policy is indistinguishable from “the strong do what they can and the weak suffer what they must” voiced by Thucydides in *History of the Peloponnesian War*.

Section 2 of the Genocide Convention defines the crime as including “intentionally creating conditions of life calculated to physically destroy a racial, religious, ethnic, or national group in whole or in part.” Evidence in the public domain authoritatively establishes that Israel is intentionally creating conditions of life in Gaza intended to physically destroy the 2.3 million Palestinian occupants. Israeli officials, without dissent, announced a siege of Gaza including “no food, no water, no power, no electricity, no medicine, no shelter, no anything.” See e.g., “‘Erase Gaza’: Conflict Unleashes Inflammatory Rhetoric From Israeli Leaders,” *New York Times*, A7, November 16, 2023.

That siege has been fortified by a land invasion and bombings of hospitals, clinics, ambulances, water mains, schools, apartment buildings, fleeing refugee families to nowhere, journalists, mosques, and clearly marked United Nations schools and relief sites. Death certificates are prepared before the ink on birth certificates dries. Fires cannot be extinguished. Diseases are spreading. Deaths are at least 20,000 and probably twice or three times that number increasing by the hour, from lack of water, food, and urgent medical treatment, for those homeless families being driven south under Israeli bombardment and communications blackouts. There are no safe spots whether in North or South Gaza – even in hospitals. Gaza is a free fire zone for the IDF.

Israel has taken an eye for an eye, a tooth for a tooth standard of justice of *Leviticus* to a criminal, genocidal level: 10,000 eyes for an eye, 10,000 teeth for a tooth. It is turning Gaza into a vast sick and dying huddle of civilian families exposed to American bombs and missiles. As the *Washington Post* reported, “hunger, thirst and disease are quickly spreading.” Babies are dying alone having lost their parents.

Had the touted Israeli defenses and intelligence not been colossally AWOL, the October 7<sup>th</sup> attack could never have occurred.

You have made the United States a belligerent and co-belligerent with Israel against Hamas without constitutionally required declarations of war by Congress, and by systematically providing the IDF with massive weapons and real-time intelligence to reduce Gaza to a grave-filled wasteland. Such presidential wars are impeachable high crimes and misdemeanors as you vigorously underscored in your presidential campaign for the 2008 Democratic nomination in an interview with Chris Matthews on *Hardball* on December 4, 2007. You have also supported a House bill to eliminate the statutory 30-day congressional notice provision for shipment of arms to Israel in order to silence debate.

You are clueless about the fundamental, historical provocation of the war as elaborated by David Ben-Gurion, founder and first Prime Minister of Israel:

“If I were an Arab leader, I would never sign an agreement with Israel. It is normal; we have taken their country. It is true, God promised it to us, but how could that interest them? Our God is not theirs. There has been anti-Semitism, the Nazis, Hitler, Auschwitz, but was that their fault? They see but one thing: we have come and we have stolen their country. Why would they accept that?” printed in “The Jewish Paradox,” (p. 121) by Nahum Goldmann.

You also refuse to recognize P.M Netanyahu's widely quoted strategy of supporting and funding Hamas over the years to thwart a two-state solution with the Palestinian Authority. Roger Cohen of the *New York Times* wrote on October 22, 2023 “‘All means were good to undo the notion of Palestinian statehood. In 2019, Mr. Netanyahu told a meeting of his center-right Likud party: ‘Those who want to thwart the possibility of a Palestinian state should support the strengthening of Hamas and the transfer of money to Hamas. This is part of our strategy.’”

The “From the river to the sea” expression originated with Prime Minister Netanyahu’s Likud party pressing for a “Greater Israel” in all of Palestine, not with Hamas. Further, the idea is consistent with peaceful coexistence between Palestinians and Jews, by people advocating a one-state solution.

Your duplicity in repeatedly affirming the United States has Israel’s back *without conditions* while inaudibly urging Israel to comply with the laws of war is creating a credibility gap reminiscent of President Lyndon B. Johnson and the Vietnam War. You have not lifted a finger to employ military or financial leverage against Israel to secure compliance with international law, which emboldens more war crimes with impunity.

Dante observed, “The hottest places in hell are reserved for those who, in times of great moral crisis, maintain their neutrality.” Your brutal positions against Palestinian civilians, three-quarters of whom are children and women, are far beyond neutrality.

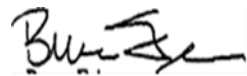
Better late than never. We strongly urge you to cease all military assistance to Israel, freeze trade or investment under the International Emergency Economic Powers Act, and sponsor a resolution in the United Nations Security Council establishing viable boundaries for a two-state solution. It should provide, among other things, for a United Nations caretaker administration in a Palestinian state for an initial period to prepare, organize, and conduct free and fair elections.

You would be following the example of President Dwight D. Eisenhower in 1956 who interceded in the Suez crisis to stop the attacks by Israel, France, and the United Kingdom, on Egypt. He also initiated the United Nations peacekeeping force in the Sinai.

You may avoid an international war crimes tribunal. But you cannot escape the judgment of history which lives for the ages over your defining role in the annihilation of innocent Palestinian families – mostly children and women – inside Gaza – long described as Israel’s illegally blockaded open-air prison.

We look forward to your response.

Sincerely,



Bruce Fein, Esq.



Ralph Nader, Esq.