

300 New Jersey Avenue, N.W., Suite 900  
Washington, D.C. 20001  
Phone: 202-465-8728  
Email: [bruce@feinpoints.com](mailto:bruce@feinpoints.com)

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

Dear President Biden,

We, the undersigned, respectfully submit that your Administration's public response to the ongoing Israel-Hamas war is profoundly imbalanced and misconceived. You are unable to distinguish between the history of the subjugator and the subjugated, between the colonizer of land and water from the dispossessed in Gaza and the West Bank, the 22% left of the original Palestine, and between the massively greater military power and the defenseless occupied population, over the decades.

You are now pressing Congress for \$14.3 billion in U.S. taxpayer money to pay for one prosperous country's colossal intelligence-detection failure to protect its people, while allocating only \$100 million to the innocent civilian families in Gaza who will suffer hundreds of times more casualties, and loss of everything called livelihood as compared with the October 7 Hamas-led homicide-suicide massacre, which we condemn.

It is productive to keep in mind, as you engage this unfolding disaster, the instructive words of Israel's founder and first prime minister, David Ben-Gurion: "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 stolen their country. Why would they accept that?" (Spoken to Nahum Goldmann, then head of the World Zionist Organization who included these candid words in his book "The Jewish Paradox" (p.121), published by Grosset & Dunlap, NY 1978.)

You may be trying privately to restrain the Israeli technological, economic, and military superpower from expanding its might beyond the rubble in Gaza, in which case it is important to remember your caution to Israeli political leaders to "operate by the laws of war."

The "laws of war" require acknowledging oft-neglected facts and laws if the ongoing war is to avoid engulfing the entire region and perhaps beyond.

*The Facts:* Israeli Defense Minister Yoav Gallant and Energy Minister Israel Katz collectively issued orders to the Israeli military that they were to impose an absolute siege, which in their

words meant “no food, no water, no electricity, no fuel. ... We are fighting human animals and we act accordingly.”

*The Law:* The Genocide Convention of 1948, born of the Holocaust, defines the crime of genocide in Article 2 (c) to include, “Deliberately inflicting on [a national, ethnical, racial or religious group] conditions of life calculated to bring about its physical destruction in whole or in part.” (See Exhibit I attached).

Israeli implementation of these orders targeting 2.3 million people means countless innocent inhabitants of Gaza are suffering privations that spell dying or death in their hospitals, clinics, ambulances, homes, markets, places of worship, schools, and masses fleeing to nowhere. Israeli politicians are using words such as “annihilation,” and “extermination,” which fortify the description of their military bombing as genocidal. These terrifying words have a special cutting edge in a carpet-bombing campaign against an utterly defenseless people. Such destruction is limitless. Missiles have struck an ancient Christian Church, killing 16 people, and a clearly marked United Nations relief and school buildings, producing so far 29 UN staff fatalities. Along with its long-touted precision warfare, Israel has extensive computer models of buildings in Gaza.

Knowing that most Palestinians, nearly half of whom are children, are not Hamas members, Israel is engaging in collective punishment with a broad indiscriminate campaign, in direct violation of international law, including the Geneva Conventions.

Israel is also violating the law of proportionality within the laws of war, which prohibits military action reasonably likely to inflict substantial civilian casualties disproportionate to a legitimate military objective. Other than seeking to destroy Hamas, what are the military objectives – occupation of a barren enclave reduced to rubble whose populace are homeless refugees in the desert? As with the U.S. criminal invasion of Iraq in 2003 by Bush and Cheney, which you continually supported, there is no endgame, no ceasefire, no truce, no two-state solution, and no ending of the brutal illegal blockades or siege conditions over many years. Just limitless devastation for the sake of revenge, now far exceeding October 7<sup>th</sup>, and ongoing without any limits.

You have now made the U.S. a co-belligerent under the laws of war by supplying unconditionally Israel with the latest weaponry and other powerful assistance to further its war against Hamas and other Palestinians in Gaza and the West Bank. Co-belligerency includes the systematic or substantial supply of war materials, military troops, intelligence, or financial support in common cause with another belligerent. You, Defense Secretary Lloyd Austin, and Secretary of State Antony Blinken have repeatedly reassured Israel “We have your back” with no declared conditions whatsoever. In making the United States a co-belligerent, you are also making the United States criminally accountable for Israel’s war crimes and U.S. military bases and property abroad vulnerable to attack by Israel’s adversaries under the laws of war.

In addition, any nation possesses standing to sue the United States for violation of the Genocide Convention before the International Court of Justice (ICJ), even if it is not the subject of the challenged genocide as the ICJ has ruled.

If Israel decides to invade and then occupy Gaza, you should remember that the Geneva Conventions would require Israel to accept responsibility for the protection of Gaza's civilian population.

Hamas has never exhibited the capacity to be an existential threat to Israel. As Israeli military analysts have declared: Israel is in the most secure position ever, a nuclear superpower in the Middle East fortified by the United States' statutory obligation to ensure Israel enjoys a "qualitative" military superiority over its rivals, plus billions of dollars annually of U.S. military and financial aid.

In 1956, President Dwight D. Eisenhower told Israel, Britain, and France to cease their coordinated military attack on Egypt and arranged for U.N. Peacekeeping Forces in the Sinai. It is disappointing that you have not aspired, given your power as President, to such a peaceful ceasefire demand even now after the massively greater civilian casualties and physical destruction upon Palestinian Gazans than inflicted on innocent Israelis. What threshold of disproportionate suffering and killings and destruction must be reached in your mind before Israeli revenge is recognized as genocide leading to revisiting your unconditional support?

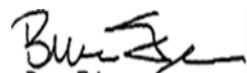
At a minimum, make a bold humane move and have Israel bring back the hostages – endangered by both Hamas and Israel's carpet bombing – through a prisoner exchange. Thousands of Palestinians, including youngsters, languish in Israeli prisons without due process or charges. Israel is experienced in such exchanges, having done so in 2004 and in 2011.

We are attaching a recent letter to you describing this proposal in more detail. A short truce may lead to cooler heads prevailing on other aspects of this calamitous and widening war.

Countless children, mothers, and fathers are dying daily in Gaza from saturation bombing causing disease, starvation, denial of critical medical care, contaminated water, and exposure to the elements facilitated by the limitless weapons and support you have eagerly provided to Israel. Is this how you would like history to remember your presidency--acquiescing in Israel's crippling siege of Gaza's millions with a belated token trickle of humanitarian aid?

For peace and justice.

Sincerely,



Bruce Fein, Esq.



Ralph Nader, Esq.

- Enclosed are two referenced attachments.