

Open letter to California Senator Kamala Harris: Speak Out About Israel's Use of Excessive Force Using U.S. Government-supplied Weapons Against Civilians

By LA Jews for Peace and endorsed by members Maria Castro, Jane Demian, Nick Dermand, Eric Gordon, Rick Grunauer, Karen Hilfman, Judy Levitt, Tony Litwinko, Ruth Persky, Victor Rothman, Uri Talil, and Jeff Warner, May 22, 2018

As a strong defender of human rights, with one of the best human rights records in the U.S. Senate, and in the context of your support for a democratic Israel, we urge you to join your colleague, California Senator Dianne Feinstein, in condemning the Israel military for shooting and killing 110 unarmed, non-violent Palestinian protesters at the Israel-Gaza fences over the past two months.

We urge you to take this action to support human rights and the rule of law, and note a political advantage:

Human Rights

First, this is a human rights issue. It is not about Israel defending its borders because the three parallel fences that Israel constructed within Gaza are not an international border. Israel totally controls and operates freely on both sides of these three fences.

Second, the ongoing Palestinian protests do not threaten Israel, which is a world leader in crowd control technology. Even if the protesters managed to cross all three fences, Israel could have quickly contained them through non-lethal means.

Israel's crime was to use deadly force against non-violent protesters as its only tactic. Israel did not consider alternate, non-military options to stop the protesters.

Here is what happened:

- The Palestinian Great March of Return started on March 30, Palestinian Land Day. This date commemorates a 1976 protest against an Israeli action to confiscate Palestinian land, in which the Israeli army killed six Israeli Arab citizens. The current marches continued for the subsequent six Fridays, through May 11. Two additional marches were held: on May 14 to coincide with the official U.S.-Israeli ceremony unilaterally moving the U.S. embassy from Tel Aviv to Jerusalem, and on May 15 to commemorate Nakba day (catastrophe in Arabic).
- The marches consisted of tens of thousands of unarmed Palestinian men, women, and children, gathering near the three Gaza-Israel fences, with two demands:
 - **End Israel's 10-year blockade of Gaza.** This siege prevents Gazans from traveling, heavily restricts imports into Gaza, and limits Palestinian exports to the outside

world. At this point, two-thirds of Gazans rely on philanthropy for food; unemployment hovers around 50%; and Gaza's electric, water, and sewage systems barely function.

- **Honor many United Nations resolutions supporting the Palestinian legal right of return** to the homes and lands that Israel expelled them from in 1947-48.
- Almost all attendees were peaceful. Although some demonstrators threw stones, flew burning kites, burned tires, and even snatched fragments of the innermost of the three fences on their side of the boundary line, in two months of demonstrations only one Israel soldier was injured, when he was nicked by a stone.
- Israel claimed these Palestinian protesters threatened the lives of Israelis and, in advance, dispatched 100 military snipers to shoot marchers. In total, the Israeli army has shot and killed 110 Palestinians, including reporters, doctors, invalids, women, and children. The snipers, supported by tear gas released from drones, also injured close to 10,000 protesters. The Gaza Health Ministry reports that many of those wounded were shot from behind by outlawed hollow-tipped "dum-dum" bullets that caused many permanent injuries.
- May 14 was a critical day for the March because it occurred at the same time as the joint Israel-U.S. celebration to move the U.S. embassy to Jerusalem. Palestinians are particularly upset by this Embassy move because it clearly demonstrates that the United States government rejects negotiations over the final status of Jerusalem. Instead, the U.S. government now supports the Israeli claim that all of Jerusalem is their capital. That unilateral action permanently negates the Palestinian position that East Jerusalem should become the capital of an independent Palestinian state. Finally, the Embassy move violates the Oslo Accords, which considered the status of Jerusalem to be a final status issue.

While the White House and State Department have echoed the Israeli government's justification for these Gaza massacres, Israeli and international human rights groups have documented Israel's use of excessive force, including war crimes. For example, [B'Tselem](#), an Israeli organization, called on Israeli soldiers to refuse illegal orders to shoot unarmed civilians. [Amnesty International](#) called for an arms embargo against Israel, and the [International Criminal Court prosecutor announced](#) she was investigating Israel's use of excessive force against civilian demonstrators. The [U.N. Human Rights Council initiated an investigation](#), and Pope Francis [condemned the killings](#). Even a significant fraction of Israeli Jews expressed outrage at the IDF's sniper death toll.

Finally, this is hardly the first time Israel used excessive force against Palestinians. Other cases are described in Amnesty International's 2014 report, "[Trigger-Happy, Israel's Use of Excessive Force in the West Bank](#)," the 2009 United Nations study, "[Report of the United Nations Fact Finding Mission on the Gaza Conflict](#)," commonly known as the Goldstone Report, and many more.

Rule of Law

The United States government has multiple legal requirements to not support state violations of human rights doctrines or unilateral military attacks on neighboring states. This requirement is encoded in the Congressionally-adopted *U.S. Foreign Assistance Act* and the *U.S. Arms Export Control Act*, both amended by the *Leahy Law*. These U.S. laws are intended to assure that the United States is not complicit in war crimes committed by other countries using American made and supplied weapons.

Israeli violations of Palestinian human rights involving US-supplied military equipment are well documented, including the two human rights reports cited above, as well as the recent murders of civilians participating in the Great March of Return. It is essential that Congress enforce its own laws by restricting future U.S. arms sales to Israel, as well as to Saudi Arabia and Egypt for their similar use of U.S.-supplied weapons against civilians.

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Politics

Condemning Israel's use of deadly force against non-violent Gaza protesters offers clear political advantages to you and the Democratic Party.

Over the past decade Democrats have distinguished themselves from Republicans by their nuanced stance on Israel. Democrats support Israel's right to exist, but do not support Israel's occupation of Palestinian areas conquered in 1967. Furthermore, it is the party's future stalwarts, progressive and younger Democrats, who [sympathize most with the Palestinian cause](#). They are also the strongest voices urging Congress to criticize Israeli violations of U.S. human rights legislation associated with Israeli snipers killing about 110 civilians during the Great March of Return.

The strongest statements to date by U.S. Senators condemning Israel's use of excessive military force against the Great March of Return non-violent protesters is by Senators Bernie Sanders and your colleague Dianne Feinstein.

We urge you to join these and other colleagues in opposing Israel's use of excessive force using American weapons. It is ultimately the right thing to do.