

# SHOULD WE SUPPORT ISRAEL AGAINST THE PALESTINIANS

MY PERSPECTIVE - By Don Shrader

Constitution Party of Ohio

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On the last CP of Ohio conference call, Jim Condit, Jr., our candidate against John Boehner for the Ohio 8<sup>th</sup> Congressional District, brought up the need to address current issues as part of his campaign; he was especially concerned about differences in the CP of Ohio over the current (and ever present in my view) dispute between Israel and the Hamas contingent of the Palestinian Government (if indeed there is a difference ó again my view). Jim was rightfully concerned that his viewpoint could cause dissent and divisions within the State Party in that there seems to be some disparity over the support of Israel versus the Palestinians. If there are disagreements, it would be over how unfettered and unwavering our support of Israel should be versus some recognition that Israel is ñnot without sinö in this conflict and therefore is not deserving of unquestionable support. Some good discussion followed.

It is interesting that Darrell Castle just happened to write the following article the same week. Darrell is a lawyer and a possible contender for the 2016 CP Presidential nomination. Certainly he is one of our most knowledgeable members (if not the most knowledgeable) and well respected in the Party for his well-informed views. His article is reprinted below without the references he provided. To see his references, please read the article online on the national Constitution Party website ([www.constitutionparty.com](http://www.constitutionparty.com)).

Please see my further comments following his article. Also note that the underlines in Darrell's article are mine, not Darrell's.

## THE CONSTITUTION, ISRAEL, AND THE CONSTITUTION PARTY

18 August 2014 -

by Darrell Castle, National Executive Committee member and 2008 Vice-Presidential candidate

When Americans talk about the nation of Israel, the discussion generally centers on questions concerning its right to exist, or of its right to self-defense. If a nation exists, as Israel clearly does, and has since 1948, then it also has a natural right to self-defense. That should not be in

question. What we should be asking is What is the nature of the relationship between the United States of America and the nation of Israel?

Clearly the U.S. has a relationship with Israel, but what of its origin and its nature? It seems to be a bit strained right now. In fact, it would be fair to say that the relationship between President Obama and Prime Minister Netanyahu is the worst ever between a U.S. President and an Israeli Prime Minister and after all, isn't that what it comes down to the relationship between both leaders as representatives of their respective nations?

Harsh words between these two heads of state were common during Israel's recent war in Gaza and the U.S. effort to negotiate a cease fire. For example, the U.S. Department of State [condemned](#) Israel's strike on a United Nations school in Gaza, calling it appalling and disgraceful. Netanyahu, in return, insulted Secretary of State John Kerry, and then publicly [admonished](#) the U.S. Ambassador to Israel saying, Don't ever second guess me again, when it comes to dealing with Hamas.

The German magazine *Der Spiegel* retorted that Israel [wire-tapped](#) Kerry's phone during the peace negotiations but it would not be a surprise to find out that the NSA was doing its own wire-tapping of Kerry's Israeli counterpart.

Immediately following that little exchange, President Obama [signed](#) a bill giving \$225 million dollars to Israel, to fund improvements in the Israeli Iron Dome anti-missile system. This money, in addition to the \$351 million dollars earmarked for Iron Dome in 2015, brought the total Iron Dome funding provided by the U.S. to about \$1 billion dollars. The Bill, House Joint Resolution 76, passed unanimously in the House by voice vote in the Senate, with the combined bill passed 395 to 8 in the House.

Presidents and Prime Ministers conduct foreign policy, so they see the problems first hand and have to deal with these public spats with other countries. Both sides portray their differences in this dispute as a family spat. Netanyahu said it was like a Jewish family dinner, but the Americans have been great.

The point is that support for monetary and military aid to Israel is overwhelming in the U.S. Congress. Whatever happens, U.S. aid keeps flowing, despite the fact of drastic military cutbacks in U.S. military spending, including the [dismissal](#) of 550 Majors currently serving in the U.S. Army.

But why? That is the question.

Maybe Israel is economically helpless, could that be the reason? With an [economy](#) approximately the size of South Korea, a G-20 nation, Israel could hardly be described as economically helpless. So why can't Israel fund its own Iron Dome system? It should be pointed out here that the supplemental funding for Iron Dome is over and above the billions provided each year under an existing ten year agreement.

Perhaps it's because the United States has a Mutual Defense Treaty with Israel? No, that's not the answer either, as there is no Mutual Defense Treaty between the U.S. and Israel. Legally speaking, it is incorrect to refer to Israel as an ally without such a treaty. There is no formal agreement between the two countries, which requires either country to come to the defense of the other in time of war. Mutual Defense Treaties require clearly defined limits as to what each nation involved in the treaty can do or not do. Israel seems to like doing what it wants without much restraint.

What does seem to exist between the U.S. and Israel is a continuing series of Congressional Aid Bills, which continue despite any problems any American president may have with his Israeli counterpart. These are supplemented, from time to time, with unanimous voice vote Emergency Aid bills. Military aid is also increasing from \$2.4 billion to \$3.1 billion dollars annually.

So if you want to see both economic and military aid to Israel continue to flow from U.S. coffers, you're in luck, because it will continue. Indeed it seems it cannot be stopped because support among the American public, and especially Congress, is overwhelming. Even Senate Majority Leader Harry Reid was quoted by the *New York Times* as saying that Tel Aviv urgently needs more financial aid from the United States for its offensive against Palestinians in the Gaza Strip. Senator Reid always seems concerned for the poor and weak, especially the Latin Americans on the Mexican border, but perhaps not so much for the Palestinians.

As of the writing of this article, Israel has accepted an Egyptian proposal for a new 72-hour [ceasefire](#) with Hamas. This ceasefire may hold, but then again, it may not. All the talk of peace is just that, words. Words spoken and forgotten like the moral dilemma of this war.

One is saddened by the loss of life, especially the innocent children of Gaza, but one also knows that Hamas planned it that way. Sacrificing its children by placing rockets and bomb supplies in close proximity to places where children will be, sacrificing them to make the Israelis appear to be monsters in the Court of World Opinion.

In the meantime, the split between the United States and Israel is apparently very real. According to journalist Jeff Steinberg of Executive Intelligence Review the rift is growing even wider. So, on the one hand, he says, there s a growing [rift](#), and the personal rift between President Obama and Secretary of State John Kerry on the one side, and Prime Minister Netanyahu on the other, is growing deeper and more personal. However, at the same time the U.S. just last week delivered a significant amount of new weapons to Israel for free.

This is the paradox every President thinks the Israelis should obey him, or at least they should think like he does, but they do not and they will not. They spy on the U.S. and steal military secrets, but the U.S. continues to give them money and weapons for free.

In any event, President Obama seems to have a new plan for Israel and Gaza in which Fatah, the Palestinian organization in the West Bank, would disarm Hamas and open the borders with Israel. Israel would then lift the blockade for the free flow of people and material into and out of Gaza. This plan infuriates the Israelis because they know in their hearts that Fatah and Hamas are united one and the same. All the President s proposal does is embarrass them, while relieving a little of his own embarrassment.

U.S. Presidents seem to think that, because they pour free money and weapons into Israel, Prime Ministers should do their bidding. Prime Ministers seem to think that they should always be trusted and supported, no matter what. It really doesn t matter. The Pro-Israel lobby seems to control Congress, and Israel gets their money anyway.

What do the Constitution and the Constitution Party platform say about this relationship? Neither specifically addresses the nation of Israel but both do address defense and foreign policy issues.

Under the heading of [Defense](#), in the Constitution Party platform, we read, We condemn the Presidential assumption of authority to deploy American troops into combat without a Declaration of War by Congress, pursuant to [Article I, Section 8](#) of the U.S. Constitution. <sup>[9]</sup> In the same plank, the platform states that we should be the Friend of Liberty everywhere, but

the guarantor and provisioner of ours alone. Later it makes another statement that defense expenditures should be carefully reviewed to eliminate foreign aid.

The [Foreign Policy](#) plank, under the sub-heading National Sovereignty says, The U.S. is properly a free and sovereign Republic, which should strive to live in peace with all nations, without interfering in their internal affairs, and without permitting their inference in ours. We are, therefore, unalterably opposed to entangling alliances via treaties or any other form of commitment which compromises our national sovereignty or commit us to intervention in foreign wars. <sup>[10]</sup>

And finally, we propose that the United States cease financing, or arming of belligerents in the world's troubled areas; and also, no further funds be appropriated for any kind of foreign aid program.

Well, that's pretty clear, isn't it?

Keep in mind that the Constitution Party platform has an avenue for change if you don't like it. You can join your state party and become a delegate to the 2016 National Convention and represent your state as a member of the Platform Committee, where you can lobby the committee and the convention to insert the words "except for Israel" in each of these sections.

The Constitution Party has always felt that taking part in other people's disputes is a bad idea. It leads to conflict and makes enemies who may need to be fought, while unreasonably emboldening friends who assume the full weight of the United States is behind them. Perhaps it's time to follow the counsel of Thomas Jefferson when he said that America should have "honest friendship with all nations, entangling alliances with none."

While Darrell comes as close as anyone can regarding the "official" Constitution Party position in this matter, I must point out that this is one area in which I am possibly not in perfect alignment with the National Party. While I fear the majority view of the National Party tends to be "isolationist," a fear I had and investigated before affiliating with the Party, it is not one with which I agree. The paragraph in Darrell's treatise that I underlined is very important to this discussion and my position on the matter.

First, it is important to note that I fully support the Platform of the Constitution Party of Ohio including the section entitled, "Conscription," wherein we state:

The Constitution Party of Ohio is concerned regarding the use of troops via the draft, or forced conscription, even in the service of the United States with respect to defending our nation against our enemies, foreign and domestic. It is particularly anathema for the draft to be used to force young men to be engaged in unconstitutional wars and police actions, those conducted without a proper Congressional declaration of war, or at the whim or other decision and/or direction of the President or other military authority.

Under the section entitled, "Defense" we further state:

The very purpose of Government, as defined in the 2nd paragraph of the Declaration of Independence, is "to secure these [unalienable] rights, Governments are instituted among Men", "that among these are Life, Liberty and the pursuit of Happiness." To fulfill this obligation, the Preamble of the Constitution states one of the duties specifically delegated to the Federal Government is to "Provide for the common defense". US Constitution, Article 1, Section 8, Clauses 11 - 16 give Congress further direction and authority in this area, including the power "To raise and support Armies" and "To provide and maintain a Navy". It is therefore a primary obligation of the federal government to provide for the common defense, and to be vigilant regarding potential threats, prospective capabilities, and perceived intentions of potential enemies.

The Constitution Party of Ohio opposes unilateral disarmament and dismemberment of America's defense infrastructure. That which is hastily torn down will not be easily rebuilt. Thus, we call for the maintenance of a strong, state-of-the-art military on land, sea, in the air, and in space. We urge the executive and legislative branches of the U.S. Government to continue to provide for the modernization of our armed forces, in keeping with advancing technologies and a constantly changing world situation.

We condemn the presidential assumption of authority to deploy American troops into combat without a declaration of war by Congress, pursuant to Article I, Section 8 of the U.S. Constitution. Further, we call upon the Governor of Ohio to vigorously oppose and deny the use of the Ohio National Guard or Ohio militia at any level to support unconstitutional wars, international police actions, or other foreign insurrections. As such, except in time of declared war, for the purposes of state security, the Governor must disallow the use of Ohio troops or militia to support or conduct operations in foreign theatres. The Governor of Ohio must also

unequivocally oppose the use of Ohio troops or militia to serve under any foreign flag or command. We are unilaterally opposed to any New World Order, and we reject U.S. participation in or a relinquishing of command to any foreign authority.

Admittedly, I am more of a hawk than many of the more dovish compatriots within the CP. (We may just have to agree to disagree on this particular point.) At the same time, I agree with the CP leadership that we should not be the world's policemen and in that light, our military footprint is well beyond anything reasonable even if it happened to be legal, which most of it I would contend is illegal from both a national and international perspective. It is illegal from a national perspective in that much of it has been done by accommodation not by declaration. When President Bush stated during the Gulf War that the goal from that point forward was regime change, I blatantly professed that was categorically wrong. Our nation and our military are not about regime change, we are about defending our nation from all our enemies, foreign and domestic. I totally disagreed with President Obama's illegal misuse of airpower in Libya to facilitate regime change. That was not our war and we had no business meddling in Libya's internal affairs no matter how much we as individuals or as a nation emotionally may have been hoping or not hoping for such change. How many times do we have to meddle in the internal affairs of other nations only to watch one despotic government be replaced by another that is often more onerous than the first? But you can't go back once the mistake is made! If we were about regime change, which we are unequivocally not, then there are plenty of foreign nations where regime change by our mindset would be appropriate or beneficial to the population in that nation. If we ever were to engage in producing regime change by military force or other tactics, it should only be because that is the most appropriate response to provide for the defense and security of our own nation. That would more likely occur in Mexico or Guatemala (which I am not proposing nor encouraging at this time) than in the Middle East where we continue to meddle in the affairs of foreign nations with no responsible or legal means for so doing.

That being said, I will also point out that Article II, Section 2 of the U.S. Constitution states that (The President) shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two thirds of the Senators present concur; I contend that our founding fathers included this in the Constitution because they saw the need from time to time for us to collaborate with other nations for our mutual benefit. The Constitution does not specify what that mutual benefit might be. It is my contention that Treaties should be cautiously entered considering that according to Article VI of the Constitution, all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any

State to the Contrary notwithstanding.ö (No wonder the anti-gun liberals/progressives hope the Senate will formally ratify the UN Small Arms Treaty, to which Obama and Secretary of State John Kerry have already agreed, hoping that the Courts will ignore the fact that it violates the Constitution via the 2<sup>nd</sup> Amendment ó which our governments constantly violate and trash.)

I believe one of the reasonable motives for entering a treaty with another nation is for our mutual defense. At times, given the resources and military might with which the U.S. is blessed, it might be more to the benefit of the other nations, particularly smaller nations such as Israel that we believe should receive aid in defending them from much larger, more powerful aggressors. Such treaties should not be entered into lightly, and they should be with countries with which we have similar moral social standards and the like. In addition, when such nation takes advantage of us via the treaty, or changes its government to embrace and/or practice unacceptable social norms and behavior, or develops or agrees to any such regulations or behavior that our nation deems anathema, we should be quick to dissolve our treaty alliance with that nation.

This then brings us to the point of that portion I underlined in Darrell Castle's treatise. Darrell rightfully points out that öthere is no Mutual Defense Treaty between the U.S. and Israel. He rightfully further contends, öLegally speaking, it is incorrect to refer to Israel as an ally without such a treaty. There is no formal agreement between the two countries, which requires either country to come to the defense of the other in time of war. Mutual Defense Treaties require clearly defined limits as to what each nation involved in the treaty can do or not do.

As such, I would contend that our tangible support of Israel from any official government perspective is wrong and illegal. If we wish to support Israel as an ally, then let the President, with the advice and consent of 2/3 of the Senators present, construct and pass a proper treaty. While each individual is free to determine his own particular viewpoint or bias with respect to Israel and the Palestinians, it would be hoped and expected that such viewpoints would be properly contested and vetted in constructing a mutually beneficial treaty with Israel, or any nation. If the President and Senate are unable to develop and ratify a proper treaty with Israel, then we as a nation have no business entering the fray in any official capacity. On the other hand, if we consider an alliance with Israel to be important to our national wellbeing, then let's construct such alliance correctly via a proper treaty with them.