

President Joseph R. Biden, Jr.
The White House
1600 Pennsylvania Avenue, NW
Washington, DC 20500

April 3, 2024

RE: Israel's War on Gaza Does Not Comply with U.S. or International Humanitarian Law

Dear President Biden:

On behalf of the 80 undersigned advocacy organizations and houses of worship that serve Muslim, Black, Arab, Palestinian and other communities across our nation, we write to express our strong objection to your administration's decisions to falsely declare that Israel's war on Gaza complies with U.S. legal requirements and authorize the continued transfer of U.S.-manufactured weapons to the Israeli government, including over one thousand devastating 2,000-pound bombs.

As you know, the National Security Memorandum on Safeguards and Accountability with Respect to Transferred Defense Articles and Defense Services prohibits our government from transferring arms to nations that violate international law or obstruct U.S. humanitarian aid. Furthermore, the Leahy Law forbids our government from providing military assistance to military units in foreign nations involved in human rights abuses.

Despite overwhelming evidence that the far-right Netanyahu government has spent months engaging in such abuses by blocking access to humanitarian aid and indiscriminately bombing civilians across Gaza, your administration has claimed that Israel is complying with U.S. laws.

"We have not found them to be in violation, either when it comes to the conduct of the war or the provision of humanitarian assistance," State Department spokesperson Matthew Miller announced on March 25, 2024.

This is, simply put, false.

The Israeli government's bombing campaign, which you have described as "indiscriminate" in private,¹ has slaughtered over 32,000 Palestinians, most of them women and children. The Israeli army has also obstructed humanitarian aid deliveries, allowed settlers to block aid trucks, massacred Palestinians gathering to collect aid, and assassinated Palestinians charged with coordinating aid deliveries.

Just this week, the Israeli military deliberately attacked three different clearly-marked vehicles in a World Central Kitchen convoy, killing seven foreign aid workers—including an American citizen.

¹ "Biden takes a tougher stance on Israel's 'indiscriminate bombing' of Gaza," The Associated Press. Dec. 12, 2023. <https://apnews.com/article/biden-israel-hamas-oct-7-44c4229d4c1270d9cfa484b664a22071>

As Secretary Blinken himself recently noted, an unprecedented one hundred percent of Gaza's population is food insecure², while at least 53% of the population faces extreme malnutrition and 26% are suffering from famine.

We knew early on that the Israeli government would deliberately and systematically commit war crimes during its military invasion of Gaza because Israeli officials openly promised to do so.

On October 9th, 2023, Defense Minister Yoav Gallant said Israel was cutting off food, water, and other necessities to everyone in Gaza because the IDF is fighting "*human animals*."³ Days later, President Isaac Herzog said, "*It is not true this rhetoric about civilians not being aware, not involved. It's absolutely not true...It is an entire nation out there that is responsible.*"⁴

It is obvious to every neutral observer that the Israeli government has spent the past five months acting on those ominous, genocidal words. In January, the International Court of Justice released a preliminary ruling deeming South Africa's accusation of genocide against the Israeli government plausible.⁵ On March 26th, the United Nations' Special Rapporteur on Palestine released a report which identified "*reasonable grounds*" to assert that Israel is perpetrating genocide in Gaza.⁶

Numerous human rights organizations like Human Rights Watch⁷ and medical organizations like Doctors Without Borders⁸ have documented the Israeli government's deliberate and wanton campaign of starvation and mass murder.

Your administration's plan to certify Israel's compliance with U.S. requirements despite these clear facts is both unlawful and morally indefensible. As former State Department official Annelle Shelline said after resigning, "*To say this when Israel is preventing the adequate entrance of humanitarian aid and the US is being forced to airdrop to starving Gazans, this finding makes a mockery of the administration's claims to care about the law or the fate of innocent Palestinians.*"⁹

² "Blinken says 100 percent of Gaza population facing unprecedented food insecurity," The Times of Israel, March 19, 2024. <https://www.timesofisrael.com/blinken-says-all-of-gaza-facing-unprecedented-food-insecurity/>

³ "Israeli defense minister orders 'complete siege' on Gaza," Al Jazeera. October 9, 2023.

<https://www.aljazeera.com/program/newsfeed/2023/10/9/israeli-defence-minister-orders-complete-siege-on-gaza#>

⁴ "Israeli President Suggests That Civilians In Gaza Are Legitimate Targets," Huffington Post, October 13, 2023.

https://www.huffpost.com/entry/israel-gaza-isaac-herzog_n_65295ee8e4b03ea0c004e2a8

⁵ International Court of Justice, "Order of 26 January 2024," January 26, 2024.

<https://www.icj-cij.org/node/203454>

⁶ "Anatomy of a Genocide Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967," UN Special Rapporteur on Palestine Francesca Albanese. March 25, 2024.

<https://www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/sessions-regular/session55/advance-versions/a-hrc-55-73-auv.pdf>

⁷ "Israel: Starvation Used as Weapon of War in Gaza," Human Rights Watch. December 18, 2023.

<https://www.hrw.org/news/2023/12/18/israel-starvation-used-weapon-war-gaza>

⁸ "How MSF is responding to the war in Gaza," Doctors Without Borders/Médecins Sans Frontières (MSF). April 2, 2024. <https://www.doctorswithoutborders.org/latest/our-response-israel-gaza-war>

⁹ Annelle Sheline, "Opinion: Why I'm resigning from the State Department," CNN, March 28, 2024.

<https://www.cnn.com/2024/03/27/opinions/gaza-israel-resigning-state-department-sheline/index.html>

Although your administration has recently made rhetorical and symbolic changes in its Gaza policy, it has a habit of taking one step forward and two steps back.

Your administration allowed a UN Security Council resolution calling for a Ramadan ceasefire to pass, but administration officials have since insisted—remarkably—that a UN Security Council resolution is "non-binding."

Your administration is conducting (sometimes deadly) aid drops over Gaza and building a pier for aid deliveries, but neither step will meet the massive and urgent needs of starving Palestinians in Gaza. Only unimpeded land routes and the resumption of funding for UNRWA, which is now banned by law for at least one year due to legislation you signed, can potentially stop the famine.

Your administration is publicly discouraging Israel from launching a full-scale invasion of Rafah *unless there is a plan to somehow protect civilians*, but that caveat is essentially a green light for Israel to ethnically cleanse Rafah and then reduce the city to rubble like it has done elsewhere.

Worst of all, your administration refuses to take any concrete action to force the Israeli government to stop starving and bombing the civilian population. The decisions to flout U.S. law by falsely certifying Israel's compliance and ship more weapons to the Netanyahu government represent the latest examples of this pattern.

The American people do not want a change in rhetoric. The American people want a concrete change in policy.

The Israeli government could not continue to carry out its slaughter and starvation without U.S. support. As retired Israeli general Yitzhak Brick said in November, "*The minute they turn off the tap, you can't keep fighting,*" and "*Everyone understands we can't fight this war without the United States. Period.*"¹⁰

We therefore urge your administration to take the following immediate and concrete steps:

1. Recognize that the Israeli government's actions in Gaza violate U.S. law and your national security memorandum.
2. Suspend the transfer of all weapons to the Israeli government as required by U.S. law and your national security memorandum.
3. Use American leverage to secure an immediate, permanent ceasefire, the unimpeded opening of all land crossings to humanitarian aid, the release of all hostages and political prisoners, and the reconstruction of Gaza.
4. Pursue a just and lasting peace through an end to the Israeli occupation and apartheid policies.

We urge you to listen to voices of reason and morality inside and outside of the administration.

¹⁰ Mehdi Hasan, "Biden can end the bombing of Gaza right now. Here's how," The Guardian, February 21, 2024. Link: <https://www.theguardian.com/commentisfree/2024/feb/21/biden-stop-gaza-bombing-genocide-israel>

Risking your presidential legacy and the reputation of our nation around the world to enable the Netanyahu government's genocide has been a disastrous decision. We implore you to reverse course before thousands more die.

Sincerely,

National Organizations:

Americans for Justice in Palestine Action (AJP Action)

American Muslim Bar Association (AMBA)

American Muslims for Palestine (AMP)

Arab American Civic Council

CAIR Action

Cameroon American Council

Charity & Security Network

Council on American-Islamic Relations (CAIR)

Emgage Action

Hindus for Human Rights

Indian American Muslim Council (IAMC)

Islamic Association of North America (IANA)

Islamic Society of North America (ISNA)

Islamophobia Studies Center

MPower Change Action Fund

The Mosque Cares | Ministry of Imam W. Deen Mohammed

Muslim American Society (MAS)

Muslim Justice League

Muslim Legal Fund of America (MLFA)

Muslim Public Affairs Council (MPAC)

Muslim Ummah of North America (MUNA)

Muslims For Liberty

National Iranian American Council Action

Partnership for the Advancement of New Americans – PANA

United Voices for America

US Council of Muslim Organizations (USCMO)

Voices of Muslims

Young Muslims

Zakat Foundation of America

18 Million Rising

Local, State, and Regional Organizations:

Ahlulbayt Society of Columbus

Ahiska Turkish Islamic Center

Arizona Muslim Alliance, Inc.

AZ Muslim Police Advisory Board

Birmingham Islamic Society

Brentwood Muslim Community Center

Charlotte Muslim Caucus

Dar al-Hijrah Islamic Center

Huntsville Islamic Center

Husaynia Islamic Society of Seattle

Imam Council of Metropolitan St. Louis

Islamic Center Masjid Al-Sabereen

Islamic Center of Conejo Valley
Islamic Center of Detroit
Islamic Center of Reseda
Islamic Center of San Diego
Islamic Center of Charlotte
Islamic Center of Tri-Cities (ICTC)
Islamic Center of Wheaton
Islamic Education Center of Pennsylvania
Islamic Society of Akron and Kent
Islamic Society of Carroll County, Maryland
Islamic Society of Downey
Islamic Society of Sheboygan
Islamic Society of West Valley
Islamic Center of Wisconsin
Islamic Community Center of Atlanta
Kurdish Community Islamic Center
Masjid Al-Furqan - West Cobb Islamic Center
MAS Central Florida
MAS D.C.
MAS Maryland
MAS Northern Alabama
MAS Sacramento, CA
Muslim Civic Coalition

Muslim Community of Folsom

Noor Academy of Arizona

Noor Islamic Cultural Center, Dublin, Ohio

Masjid Abubakar

Majlis Ash-Shura: Islamic Leadership Council of New York

Muslim Community of Nassau County (MCNC)

Muslims On Long Island

Northern California Islamic Council (NCIC)

Prince George's County Muslim Council

Rahma Community Center

Sacramento Area League of Associated Muslims

Sammamish Muslim Association

Shura New York: Islamic Leadership Council of New York

Tawhid Community Center

The Human Dignity Project