

An Open Letter to Members of the United States Congress on Hamas-Israel-Gaza Genocide. Ralph Nader

By [Ralph Nader](#)

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We are writing to exercise our First Amendment to petition Congress for redress of grievances. We are urging Congress to end the United States' unconditional, close, and continual military and intelligence support of Israel in its ongoing physical destruction of 2.3 million Palestinians residing in Gaza. The United States is responsible for genocide under any plain reading of the Genocide Convention.

Congress commands plenary power over the foreign policy of the United States. It employed the power of the purse to end United States combat in Indochina on August 16, 1973. It prohibited the CIA from intermeddling in Angola with the Clark Amendment in 1975. And by statute, Congress has insisted that Israel receive weapons that ensure a Qualitative Military Edge over its neighbors.

Words only diminish our revulsion at the congressional dereliction in enabling President Joe Biden to transfer weapons and share real-time intelligence with Israel to destroy Palestinian civilians in Gaza in violation of multiple laws: the Genocide Convention, the federal prohibition of genocide, 18 U.S.C. 1091, the Leahy Amendments, the Declare War Clause of the Constitution, and the statutory restriction on the use of American arms for defensive purposes only.

Why has Congress neglected public hearings to expose and redress these offenses to the rule of law?

Congress should enact a Joint Resolution endorsing a two-state solution featuring a Palestinian state initially administered by a United Nations caretaker mission to organize free and fair elections.

The United States' current 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 the genocidal refrain, "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. Palestinians are even prohibited from collecting or storing rainwater which is considered the property of the Israeli government.

The siege of Gaza's population has been fortified by a land invasion and bombings of hospitals, clinics, ambulances, bread bakeries, water mains, schools, apartment buildings, marketplaces, fleeing refugee families to nowhere, journalists, mosques, churches, 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 battered families being driven south under Israeli bombardment and communications blackouts. There are no safe sanctuaries whether in North or South Gaza - even in hospitals they blockaded. Gaza is a free fire zone for the IDF.

Israel has turned its brutal war machine on the entire Palestinian population in Gaza. Israel's President declaimed, "It is an entire nation out there that is responsible. It's not true about civilians not aware, not involved. It's absolutely not true." An Israeli Knesset member echoed, "The Children of Gaza brought it upon themselves." The Defense Minister insisted, "We are fighting human animals and will treat them accordingly."

Prime Minister Netanyahu added that the Gaza conflict is between 21st century progress and "the barbaric fanaticism of the Middle Ages" and a "struggle between the children of light and the children of darkness." He reminded Israeli Jews of the Lord's ordering the destruction of Amalek in the Book of Samuel, "This is what the Lord Almighty says," the prophet Samuel [tells](#) Saul. "I will punish the Amalekites for what they did to Israel when they waylaid them as they came up from Egypt. Now go, attack the Amalekites and totally destroy all that belongs to them. Do not spare them; put to death men and women, children and infants, cattle and sheep, camels and donkeys."

The Nazis in World War II attempted to conceal the Holocaust fearing legal accountability. Israel's genocide is unfolding in plain view confident of impunity, including unconditional callous congressional support and gross misdirection of taxpayer dollars for violence, in lieu of satisfying the critical needs of the American people.

Congress is poised, without even public hearings and witnesses, to spend an additional \$14.3 billion of taxpayer dollars to compensate for a staggering blunder of Israeli intelligence. Why?

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 7th attack could never have occurred. As one elderly Holocaust survivor told *The New York Times*, “It should never have happened...”

President Biden has made the United States a belligerent and co-belligerent with Israel against Hamas without a constitutionally required declaration of war by Congress. Systematically providing the IDF with massive weapons made us a co-belligerent and sharing real-time battlefield intelligence made us a belligerent.

Such presidential wars are impeachable high crimes and misdemeanors as Mr. Biden himself vigorously underscored in his presidential campaign for the 2008 Democratic nomination in an interview with Chris Matthews on *Hardball* on December 4, 2007.

Listen further to 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.

Ben Gurion’s recognition was echoed by Israel’s acclaimed war hero Moshe Dayan. Standing close to the Gaza border in 1956 eulogizing a 21-year-old Israeli security officer who had been slain by Palestinian and Egyptian assailants, Dayan reflected,

“Let us not today cast blame on his murderers. What can we say against their terrible hatred of us? For eight years now, they have sat in refugee camps of Gaza and watched how, before their very eyes, we have turned their land and villages, where they and their forefathers previously dwelled, into our home.”

Also often forgotten by most Members of Congress is 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 also consistent with peaceful coexistence between Palestinians and Jews, by people advocating a one-state solution.

Dante observed, “The hottest places in hell are reserved for those who, in times of great

moral crisis, maintain their neutrality.” The Congressional positions against Palestinian civilians, three-quarters of whom are children and women, are far beyond neutrality. Read the front-page article of the New York Times (November 26, 2023) headlined: “Israel Has Killed More Women and Children Than Have Been Killed in Ukraine.”

Congress should follow 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.

Congress should conduct public hearings in the House and Senate featuring prominent and longtime Israeli peace advocates, holding past high-level government positions, along with Israeli and Palestinian human rights groups. Their voices have been excluded from Capitol Hill since 1948. You know why? Shame!

Congress cannot escape the judgment of history which will endure for the ages over its 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 a congressional response, from U.S. Senators and U.S. Representatives respectful of citizen petitions.

Sincerely,

Bruce Fein, Esq.

Ralph Nader, Esq.

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