

Pressure Builds on Biden to Investigate Israel over Abu Akleh Killing

Pressure is building on the Biden administration from Congress and the media to investigate the killing of Palestinian journalist Shireen Abu Akleh.

By [Mitchell Plitnick](#)

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More than two weeks have passed since Israeli soldiers shot and killed Al Jazeera reporter Shireen Abu Akleh and, much to Israel’s chagrin, the issue is not fading into the background, [as it usually does](#) when Palestinians die at Israel’s hands.

Had Shireen been killed by the military of any other country, a thorough, transparent, and honest investigation would be virtually automatic. She was a Palestinian citizen of the United States. Yet, as we have seen in the past, the odds are against the U.S. undertaking an investigation let alone carrying one out that is independent and impartial.

But now, [CNN](#) and the [Associated Press](#)—neither of which has ever demonstrated any “anti-Israel bias,” despite occasional, baseless [accusations](#) from far-right Israeli figures and [supporters](#)—have both conducted impartial investigations that support the very strong eyewitness testimony and video [evidence](#) that we already have, and refute Israel’s counter-claims. This will add to the growing pressure on the Biden administration to launch an investigation.

That pressure has taken an unusual form: a congressional letter calling for the State Department and the FBI to investigate Shireen’s death. That letter is not just another message from the few members of Congress that speak out occasionally for Palestinian rights. It was signed by 57 members of the House of Representatives, more than one fourth of the House Democratic caucus and includes names that surely raised a few eyebrows.

While we might expect Rashida Tlaib, Alexandria Ocasio-Cortez, Cori Bush, Ilhan Omar and Barbara Lee to call for a U.S. investigation into the death of a U.S. citizen at Israel’s hands, this letter was signed by some members who generally try to avoid voting against Israel. Seth Moulton, Tom Malinowski, Eric Swalwell, and others tend to support bland statements

about a two-state solution but avoid controversial issues. And this is certainly controversial.

The letter was spearheaded by Andre Carson (D-IN), one of only three Muslim members of Congress, and Lou Correa (D-CA). Carson has worked with and been endorsed by J Street, which, along with Americans for Peace Now, have been [supporting](#) this [bill](#). He is among the House members who tends to be more critical of Israel.

Correa, by contrast, [has been endorsed](#) by such groups as AIPAC and Pro-Israel America, and has been hawkish on Israel, even voting to condemn Barack Obama's lone abstention at the United Nations on a bill criticizing Israeli settlements in 2016. That Correa would not only support a bill calling for an investigation of Israel's involvement in what would be a war crime but take the lead on it is quite stunning.

While the letter steers notably clear of accusing Israel of Abu Akleh's killing, it does state that Israel's defense against the charges has been called into question. [It says that](#)

"The Israeli military claimed that the victims were caught between gunfire between (sic) Palestinian militants and Israeli Defense Forces. However...Shaza Hanaysheh, another Palestinian journalist...said there were no clashes or shootings in the immediate area."

The letter noted other testimony stating flatly that there were no Palestinian fighters in the immediate area.

That's far from a direct accusation, but in Congress it's nearly blasphemy to even hint that Israel might have committed a war crime, as the deliberate killing of a journalist would be. But this letter was more than enough to draw a [sharp response](#) from Israel's Ambassador to the United States Michael Herzog.

Herzog complained that the Carson-Correa letter didn't acknowledge Israel's call for a joint investigation with the Palestinian Authority, a call which the Palestinians flatly and [sensibly rejected](#). He accuses the congressmembers of omitting "significant evidence" that has either been debunked or Israel has not presented at all.

The Israeli ambassador's hyperbolic reaction is an indication of how badly Israel is losing the fight for public opinion. While the scene at Shireen's funeral certainly didn't help, the real problem is that all the evidence that has been made public and every investigation that has not been led by the very military that stands accused have all pointed to Israel's guilt.

Nevertheless, it remains unlikely that the Biden administration will launch any kind of investigation. That should be a wake up call for every American citizen. As a matter of course, the State Department should, as part of its obligation to protect American citizens abroad, investigate what was, in any case, a wrongful and violent killing of an American citizen. But many supporters of Palestinian rights in the United States will surely wonder if it is worth pursuing such an investigation.

There would be a huge amount of skepticism about any U.S. investigation based on the U.S.' long history of covering for and defending Israeli behavior. But that should not imply that the U.S. government is absolved of its responsibilities to its citizens. If a citizen of any country is killed abroad, that country should make certain that all the facts of that death are known, and accountability, if any is called for, is meted out.

But the United States routinely accepts Israel's explanations for the deaths of Americans. The most infamous example of this is Rachel Corrie who, in 2003, was crushed to death under an Israeli bulldozer as she tried to protect a Palestinian home in the Gaza Strip from being demolished. Back then, many of us were active in pressing for a U.S. investigation, but to no avail. The United States accepted Israel's claim of accidental death, and Rachel's family fought for years in U.S. and Israeli courts but received no justice.

In January of this year, Omar Asaad, a 78 year old Palestinian American, Omar Asaad, [was killed](#) at an Israeli checkpoint when soldiers pulled him from his car, marched him to a construction site and left him bound and gagged for over an hour, causing a heart attack. The soldiers who did it were lightly reprimanded and transferred. The State Department said they were "[continuing to discuss the case](#)" with Israel, but the matter has simply dropped off the radar, much as Israel is hoping Shireen's death will do in due course.

State and the FBI are probably the best options among U.S. agencies for conducting a legitimate investigation of Shireen's death. But it's hard to imagine a U.S. investigation that ended with blame falling squarely on Israel, even if all the evidence indicates that's where it belongs, as, so far, it does.

An international investigation would stand a better chance of being fair and transparent. But we can be certain that Israel, which consistently claims that the United Nations and every international institution is bent on its destruction, would refuse to cooperate, and will reject any findings short of absolute exoneration as biased and antisemitic. That was proven quite clearly in 2009, when Richard Goldstone, an eminent South African judge who was one of the most respected international jurists in the world, was Jewish and was not only a Zionist, but had deep ties to Israel, was tapped to investigate Israel's assault on Gaza earlier that year.

He was pilloried personally and ostracized from his community. The report itself was rejected by Israel and the United States and, while it remains part of the historical record, it had no material impact on Israel's behavior, as subsequent assaults on Gaza have demonstrated.

Yet as grim as this outlook is, there would be one significant and tangible benefit to a State Department/FBI investigation into Israel's killing of Shireen Abu Akleh. It would be a step—a small one, but a step—toward eroding Israeli impunity. Even a less than convincing U.S. investigation is progress from no investigations at all.

The case against Israel in Shireen Abu Akleh's killing is strong. [Israel dismissed CNN's damning investigation as "baseless"](#) but offered no refutation of the considerable evidence presented in CNN's report. Their inability to substantively respond to the evidence presented beyond name-calling and far-fetched conspiracy theories that depend on eyewitnesses all lying and maintaining perfect coordination between their "lies" and the video evidence, shows how thin their defense is.

A U.S. investigation would have a tough time supporting such a thin defense. If they tried, and they likely would, it would only look more like a cover-up. It's worthwhile to try to push the U.S. into that position. Raising the costs of covering for Israel in that way is a potentially sound strategy.

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Mitchell Plitnick is the president of ReThinking Foreign Policy. He is the co-author, with Marc Lamont Hill, of Except for Palestine: The Limits of Progressive Politics. Mitchell's previous positions include vice president at the Foundation for Middle East Peace, Director of the US Office of B'Tselem, and Co-Director of Jewish Voice for Peace. You can find him on Twitter @MJPlitnick.

Featured image: JOE BIDEN SPEAKING AT THE 2019 IOWA FEDERATION OF LABOR CONVENTION. (PHOTO: FLICKR/GAGE SKIDMORE)

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