

Testimony  
The Honorable Robert Wexler  
President, S. Daniel Abraham Center for Middle East Peace

U.S. Senate Committee on the Judiciary  
Subcommittee on Oversight, Agency Action, Federal Rights, and  
Federal Courts

Justice Forsaken: How the Federal Government Fails the  
American Victims of Iranian and Palestinian Terrorism

Wednesday, November 4, 2015

Chairman Cruz, Ranking Member Coons, Members of the Subcommittee, thank you for the honor of testifying. I served on the House Judiciary Committee for thirteen years and deeply respect your decision to raise the issues we are discussing today.

I am a proud Zionist and am committed to ensuring that Israel remains a secure and democratic homeland for the Jewish people. To that end, Israel's security is paramount. But we have a challenge.

The toll of terrorism in Israel is staggering and the testimony is heart wrenching. Our collective instinct is to hold the groups responsible for these unspeakable acts accountable to the fullest extent. Senator Coons invited me to examine the ramifications of the legal actions against the Palestinian Authority and Palestine Liberation Organization in the context of the overall Israeli-Palestinian conflict.

Our dilemma is complicated by a set of competing and worthy interests—seeking justice on the one hand and achieving a two-state outcome on the other.

In a perfect world, perpetrators of terror would be brought to justice, bad actors that facilitate terrorism would be severely punished, and positive actors—especially security officials—would be rewarded for rejecting violence and thwarting terror. Unfortunately, such a reality does not exist in the Palestinian territories. In fact, history proves the opposite. The United States last cut funding to the PA, because the Palestinian government sought observer state status at the United Nations against our will. Was Hamas harmed by the loss of funds? No. Were the violent factions within Fatah penalized? No. The result was that Palestinian Prime Minister Salam Fayyad was forced to resign, because the PA became insolvent and an economic crisis ensued. Prime Minister Fayyad was the most honest, most pro-American, pro-peace Palestinian official ever. If we have learned anything from the chaos engulfing the Arab world, it is that a void of authority is often filled by dangerous actors adverse to our interests. The Israelis know this and are rightly concerned that any substantial disruption of PA funding carries a treacherous risk of increased violence and may undermine the already dismal prospects for a two-state resolution.

Here is the inescapable truth—the creation of a demilitarized Palestinian state is not a gift to the Palestinians. Rather, a two-state outcome is the only way to ensure a Jewish, democratic state of Israel. Shortly before his assassination exactly 20 years ago today, Israeli Prime Minister Yitzhak Rabin spoke of this truth, “Separation between Israel and the Palestinians is the best solution for resolving the Israeli-Palestinian conflict.”

To be clear, referencing a demilitarized Palestinian state excludes Hamas. Hamas is a terrorist organization, there is no debate. Yes, the Palestinian Authority is dysfunctional, yet we must recognize that the differences between the PA and Hamas are as great as the differences between Israelis and Palestinians. Moreover, we would be irresponsible to ignore the universal assessment of Israel's security establishment that PA security forces continue to work with Israel and play an essential role in combatting terrorism. Former IDF Chief of Staff Lt. Gen. Benny Gantz recently described this overall security coordination as “helpful, something that contributes to stability.” His predecessor, Lt. Gen. Gabi Ashkenazi, further explained the PA security forces help contain terrorism in both the West Bank and East Jerusalem where lone-wolf assailants are encouraged by “the level of fury in the Palestinian street.”

Separation is necessitated by demographics as well as security. The greatest existential threat to the Zionist dream is continuing the status quo. Why? Because today, according to Israel's most reputable demographers,<sup>1</sup> the Jewish population from the Mediterranean Sea to the Jordan River is only 52% of the overall population. In 2020, 49% will be Jewish and in 2030, just 44% will be Jewish.

Demographic trends mean that Israel cannot remain a Jewish state, a democratic state, and a state in control of all the biblical land of Israel. It can achieve only two of these objectives. Israel can be Jewish and retain control of the West Bank, but then it will no longer be democratic. Or it can be democratic, retain control of the West Bank, and no longer be a Jewish majority state. Or it can choose to be a Jewish and democratic state, living alongside a demilitarized Palestinian state.

So Mr. Chairman, as your subcommittee examines the totality of the legal actions before you today, ideally the only consideration for this committee and the Obama Administration would be justice for the claimants. Unfortunately, that is not the world we live in. And, most especially, that is not the favored approach of our friends in Israel who are responsible for securing the Jewish state.

Thank you.

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<sup>1</sup> Hebrew University's Sergio DellaPergola is widely regarded as the most authoritative demographer in Israel. DellaPergola, Professor Emeritus of Population Studies at Hebrew University, has devoted a great deal of time to the study of demographic trends among both Jews and Arabs in Israel; the data he presents is striking and specific.