

# OUTPOST

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## Toward a New U.S./Israel Policy Herbert Zweibon

A "Resolution regarding Israel from Pro-Israel Christian Leaders" signed by over a thousand Christian leaders and urging a new U.S. policy toward Israel is being submitted to Senator John McCain with a request for a meeting with the candidate. AFSI has been working on this project with Rev. James Hutchens, Chaplain and Brigadier General of the U.S. Army (Ret.) and chairman of the Jerusalem Connection, Richard Hellman of CIPAC (Christians' Israel Public Action Campaign), Rev. James Vineyard, whose Oklahoma City church has 3,500 members and Rev. David Welch, who heads up a group of pastors in the Texas region.

To give an idea of the wide geographic range of supportive churches, among those who have signed on are the pastors of the Bible Baptist Church in Fairbanks Arkansas with 525 members, the Northwest Baptist Church in Toledo, Ohio, with 700 members and the Clays Mill Road Baptist Church in Lexington, Kentucky with 2,000 members.

The resolution reads:

WHEREAS, Christian Zionism supports the modern State of Israel as a partial fulfillment of God's covenant promise to provide a national homeland for the Jewish people in anticipation of their ultimate redemption when Messiah comes; and

WHEREAS, These God-decreed covenants have an everlasting validity and relevance for the modern State of Israel; and

WHEREAS, The legal validity of the modern State of Israel has been established by international law in the Balfour Declaration of November 1917, and the British Mandate formalized at the League of Nations in July 1922, the United Nations partition resolution of 1947, the official recognition of the State of Israel by the United States in May of 1948 and Israel's admission to the United Nations in 1949; and

WHEREAS, Since its birth as a nation Israel has been under relentless attack by Arabs and Palestinians whose goal is not peace with Israel but its total annihilation; and

WHEREAS, The various peace proposals advanced by the United States, including the administration's "Land for Peace" to be implemented by a "Two-State Solution," have been historically and factually verifiable failures; and

WHEREAS, These failures have been a result of a dysfunctional denial of the stated goals of Palestinian Jihadists and other Iran sponsored terrorist groups such as Hezbollah to destroy Israel, including the continuing efforts to appease Israel's enemies by requiring Israel to give up land for peace; and

WHEREAS, There can be no realistic expectation of regional peace until Palestinian Jihadists are defeated, disarmed and their terrorist infrastructure dismantled; therefore be it

RESOLVED, That the administration's "Road Map to Peace" with its "Land for Peace" and "Two-State Solution" be deemed unworkable and allowed to lapse; and be it further

RESOLVED, That a serious and engaged consideration be given to a new US/Israel policy that would be comprehensive and practical in dealing with the realities on the ground as well as honoring of God's covenant promises to Israel. (e.g. Please see "The Israeli Initiative").

Submitted by Petitioners, coordinated by Jerusalem Connection.

Like a bird that repetitively bangs against a glass window, administrations for the last forty years have stubbornly pursued the same failed and bound-to-fail policy of "retreat-for-peace." For a core constituency to confront a Presidential candidate with a challenge to the folly that is "received wisdom" is a vitally important first step.

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## From the Editor

### A Czech Hero

Vaclav Klaus, President of the Czech Republic, displays what is for politicians the rarest form of courage: intellectual courage. At the Heartland Institute conference on climate change in New York City in March, Klaus quoted from a speech he had made a week earlier on the 60<sup>th</sup> anniversary of the Communist putsch in his country: "Future dangers will not come from the same source. The ideology will be different. Its essence will, nevertheless, be identical—the attractive, pathetic, at first sight noble idea that transcends the individual in the name of the common good, and the enormous self-confidence on the side of its proponents about their right to sacrifice man and his freedom in order to make this idea reality.' What I had in mind was, of course, environmentalism and its currently strongest version, climate alarmism. This fear of mine is the driving force behind my active involvement in the climate change debate and behind my being the only head of state who in September 2007 at the UN Climate Change Conference...openly and explicitly challenged the current global warming hysteria. My central argument was—in a condensed form—formulated in the subtitle of my recently published book devoted to this topic, which asks: 'What is endangered: climate or freedom?' My answer is clear and resolute: 'It is our freedom.' I may also add 'and our prosperity.'"

Alas, President Bush shows no similar clarity and resolution. Not content with turning the war on terror into the embrace of terror (in the form of Abbas and the Palestinian Authority), he has now announced he wants Congress to pass a bill to combat global warming. The President claims his legislation will head off a worse regulatory disaster, but by caving in on principle he merely ensures the political triumph of global warming hysteria with its potentially catastrophic impact, as Klaus warns, on both our freedom and prosperity.

### Jews Fund Their Enemies

In the September 2007 *Outpost* we noted that there were glimmers of disquiet with the New Israel Fund. Professor Gerald Steinberg of Bar Ilan University's Program on Conflict Management had noted in the *Canadian Jewish News* that a third of the NIF's budget went to over 20 organizations that "use the money to demonize and delegitimize the concept of Jewish sovereignty and equality among the nations." To be sure Steinberg seemed to think the NIF did this unwittingly and wanted to discuss the issue with the organizations leaders "to realize our shared goals."

Shared goals? Seventeen years ago AFSI published a pamphlet on the New Israel Fund aptly entitled "A New Fund for Israel's Enemies." We were attacked by virtually every Jewish establishment or-

ganization for supposedly defaming this fine charity. Now NIF is acting as a tax-exempt funding conduit for an Israeli Arab NGO that defines terrorist murderers of Israelis as "political prisoners." It accuses Israel of violating their "human rights" by classifying them as "security prisoners" and separating them from other prisoners "similar to the racial segregation between blacks and whites in South Africa during apartheid."

### More Revisionism on World War II

In last month's *Outpost* we wondered if the publication of Nicholson Baker's revisionist history of World War II might start a trend in upending the consensus that this was "the Good War," its moral necessity challenged only by anti-Semitic kooks. The answer was not long in coming. Baker has barely beaten Patrick Buchanan to the Barnes and Noble front table: Buchanan writes that his book *Churchill, Hitler and 'the Unnecessary War* is due out in May and "Baker uses some of the same episodes, sources and quotes." In his syndicated column Buchanan gives us a preview of how he goes about invalidating the moral underpinning of the war. He slides over Hitler and his Nazi ideology—which made the war "necessary" if much of the world was not to be enslaved—to focus on its consequences and aftermath. Could a war that produced Hiroshima and the Holocaust be a good war? declaims Buchanan. Was World War II "a good war" for the Polish dead, the defeated French, the British "bled and bankrupt" at its end, the Eastern Europeans who wound up behind the Iron Curtain? Buchanan laments the fate of the "13 million German civilians ethnically cleansed from Central Europe and the 2 million who died in the exodus."

Presumably humanity would have been a lot better off if Hitler had been allowed to achieve his Thousand Year Reich. Hitler's systematic murder of the Jews? Not rooted in Hitler's evil and obsessive hatred, but merely another "consequence" of the "unnecessary" war. Buchanan describes World War II as a war that "advanced the death of Western civilization." Presumably then, in Buchanan's warped view, Hitler would have sustained that civilization. On his recent visit Pope Benedict XVI, who grew up in Nazi  
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#### Outpost

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# 'Danny' Takes on the Empire

William Mehlman

Jerusalem – Daniel Friedmann has planted his muddy, plebeian boots on Israel's third rail—the sanctum sanctorum otherwise known as the “High Court of Justice.” That Israel's intrepid Minister of Justice has thus far avoided the fate of Nadav and Avihu—the High Priest Aaron's sons, lightning-bolted for bringing “strange fire” into the Tabernacle—is as much a token of growing public uneasiness over the court's relentless encroachment on the state's legislative, executive and even military turf as it is of the thick soled constitutional insulation underlying Friedmann's crusade against the court's uncaged judicial activism.

Standing on this edifice, Friedmann has thrown the gauntlet at the feet of Aharon Barak, whose 11-year (1996-2006) reign over the “Supreme Court,”



Aharon Barak

as it's more commonly referred to, transformed it from a relatively moderate, occasionally useful adjudicator of disputes between Israel's private and governmental sectors into a judicial wrecking ball. His leg-

acy is a court that has delivered Israel's law enforcement system as “occupied territory” into the hands of the far left, a court that former U.S. Solicitor General Robert Bork has described as “the greatest threat to Israeli democracy... the worst court in the Western world.”

Friedmann, whom Barak condescendingly refers to as “Danny,” must have known that the former Supreme Court president would break the silence on court matters he'd imposed on himself since his retirement to pick up the gauntlet. Though he has crossed swords with current Supreme Court President Dorit Beinisch, Barak's alter ego, Friedmann knows full well that it is Barak's ideological stranglehold on the Court he must break if he is ever to put the brakes to its runaway powers. That ideology can be summed in the single word that embodies and anchors Aharon Barak's judicial mindset – “justiciability.”

“If you ask me, I think everything is justiciable,” Barak averred in a remarkable one-on-one with Ari Shavit of *Ha'aretz*. “Because the implication of non-justiciability is the breaching of the law. And who breaches the law? Not the weak, but the strong. Non-justiciability means a black hole. It means that might makes right. It means that government does what it wants...All matters relating to the West Bank are justiciable. The military affairs in the territories are justiciable. Whether to turn off the power in Gaza is justiciable. If you took land from the Palestinians, that is justiciable. If you did not protect the Palestinians, that is justiciable.”

Does the former Supreme Court president recognize any limits to justiciability? Not unless they

originate with the very branch of government upon which such limits need to be imposed. “The boundaries of justiciability,” he asserts, “should be left to the judges.” Every attempt to enact legislation in this sphere is wrong. This issue cannot be legislated. Indeed, he adds, with a thrust of his justiciable rapier, “we must make it clear to the lawmakers that there are spheres in which they must avoid lawmaking.”

There are apparently no such spheres applicable to Israel's Supreme Court. From micro-intrusion into the security decisions of the IDF high command to broad brushed interference in the most mundane mechanics of civic life, judge-made law, masked as justiciable discovery, has ridden high in Israel ever since Aharon Barak was in the saddle. Among its more notable manifestations are rulings that prevent judges from being removed by the legislature (only by other judges); that can declare “illegal” any government action deemed by the court to be “unreasonable;” that in the name of “human dignity” can compel the government to alleviate “homelessness” and “poverty;” that can countermand military orders, and that can direct the government to move security emplacements, including those established to thwart the entry of suicide bombers into Israel.

“What Barak created out of whole cloth,” observes U.S. Appellate Court judge Richard Posner, one Barak's fiercest critics, “was a degree of judicial [law-making] power undreamed of even by our most aggressive Supreme Court justices... One is reminded of Napoleon's taking the crown out of the pope's hands and putting it on his own head.”

Undeterred by the absence of a written constitution, the Supreme Court has discovered lurking behind Israel's “Basic Laws” (created by the Knesset, but unrepealable by the Knesset, according to the Supreme Court), a whole galaxy of constitutional penumbras, ranging from the ludicrous (a “constitutional” right to obtain one's pork without “inconvenience”) to the outrageous ( the “right” of Israeli Arabs to marry Palestinians and bring them into Israel). In misappropriating the authority to decide whether welfare cuts are legal, the Barak Court established a “constitutional right” to a minimum income, the amount to be determined, naturally, by the Supreme Court. As exemplified in its 2006 overruling of the IDF's judgment on the location of portions of Israel's “separation fence,” the Court has now extended its “constitutional” reach into Israel's security structure. “Barak once said that the Court has jurisdiction to judge the deployment of troops,” Bork observed. “This decision brings us closer to that.”



Daniel Friedmann

Nothing wrought by the Supreme Court under Barak, and more recently Beinisch, has proven more dangerous than what Attorney General Menahem Mazuz has called the “lawyerization” of the Israeli Defense Forces. In testimony before the Winograd Committee investigating the conduct of the 2006 Second Lebanese War, Mazuz labeled the war the “most lawyerly” in Israel’s history, with teams of lawyers standing judgment on the “legality” of every proposed target and operation before they were carried out. The IDF’s “subservience to their legal advisers,” *Jerusalem Post* columnist Caroline Glick reports, “was fueled by their fear of criminal prosecution.”

The result was that “the IDF and the government wound up asking the lawyers to tell them what to do,” Mazuz and Military Advocate General Avichai Mandebilt told the Winograd panel, “because they were not prepared to take the responsibility to translate norms into decisions.” Needless to say, Glick concludes, the goal of winning the war was the last thing on the minds of these tort mavens.

Ironically, the most striking tribute to Daniel Friedmann and his battle to rescue what’s left of Israel’s self-preservative shield from the maws of its “High Court of Justice” has come not from his supporters but from his chief antagonist. “Danny will not change” Aharon Barak told his *Ha’aretz* interviewer. “He is an honest man, banging his head into the wall. He is a crusader who will not stop for anything... He is not the man for the job [Justice Minister].”

If honesty disqualifies you for the administration and dispensation of justice in Israel, then Friedmann may be said to be eminently disqualified. The Hebrew University/Harvard-educated law professor and Bible scholar is nothing if not fiercely—some would say recklessly—honest in his determination to shake up an oligarchical court system that has become progressively more insulated from criticism and correction. His detailed prescription for these ills include legislative action to severely curb the Supreme Court’s virtually unfettered power to overturn laws it doesn’t like, with an accompanying measure empowering the Knesset to revise and re-validate laws overturned by the Court with a simple majority in one round of voting—as opposed to the almost insurmountable three rounds currently required to effect the same purpose.

Certain to cause even greater consternation among the protectors of the judicial temple is Friedmann’s proposed change in the composition of the committee that selects Supreme Court judges. Currently made up of three sitting judges (Friedmann would reduce it to one), two Israeli Bar Association lawyers, two ministers (including the Justice Minister) and two Knesset members, the committee has heretofore

served as little more than a rubber stamp for whomever the judges decided they wanted to elevate. This has led to what Haifa University professor Steven Plaut has described as “unelected judges dictating which other unelected judges will sit on the bench” and an ideological like-mindedness that all but forecloses any serious exchange of ideas. Lawyer and *Jerusalem Post* columnist Jonathan Rosenbloom calls it “the judicial equivalent to getting the trains to run on time.”

Little of the lock-step ideological uniformity that marked Barak’s tenure as president has changed under Dorit Beinisch. “The titanic struggles between rival judicial philosophies that characterize American Supreme Court history,” Rosenbloom laments, “are absent from Israel... It is rare for a decision of major impact in Israel to be decided by a narrowly divided court.”

Another missile aimed at the judicial temple is the Justice Minister’s declared intention of reinforcing the principle of “standing”—i.e., that petitioners to the Court must have a direct stake in the outcome of cases they bring—presaging a tectonic shift in the fortunes of Israel’s litigious far left. It was the Barak court’s near abolition of standing that opened the floodgates to petitions (without standing) by Peace Now, B’Tselem and their American and other “Friends,” simultaneously demanding Court action against every Jewish hilltop in Judea and Samaria and the dismissal of every claim (with standing) against Arab violations of Jewish land rights from the Galilee to the Arava. The restitution of standing may not turn off the left’s petition faucet but it should reduce it to a manageable trickle.

The howls of pain and outraged virtue Friedmann’s proposed reforms have elicited from the Court priesthood and its acolytes has been likened, with only slight exaggeration, to a *tsunami*. To Dorit Beinisch they constitute “a chain of actions to crush the existing structure of the justice system.” A near hysterical Barak has accused the Justice Minister of fomenting “a struggle over the country’s soul, over the independence of the court, the separation of powers, the question of who is in charge!...That man [Friedmann] will only leave ruin in his wake!”

The rhetoric of the court’s political allies has been even less temperate. “Friedmann is carrying out an assassination of the Supreme Court and its head,” bellowed voluble Labor Party MK Ophir Paz-Pines, “[resulting in] contempt of the court and damage to public confidence in the institution of justice. They contain harsh tones of populist incitement ...that cause irreparable damage to the judicial system in Israel.” Paz-Pines pointedly ignored the possibility that part and parcel of the “contempt” he cited stemmed not

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from Friedmann's actions but from the fact that 54 percent of the Israelis recently polled by Jerusalem-based Market Watch consider the Israeli justice system to be corrupt.

To all this, including retired Supreme Court Justice Michael Cheshin's threat to "cut off the arm of anyone who raises a hand to the Court," the Justice Minister has responded with poker-faced politesse and scathing rebuttal. Describing the High Court as "a law unto itself, extending its power into other branches, immune from legislative oversight," Friedmann charged that in granting it "powers and prerogatives it never had before, [Barak] wiped out our understandings and cancelled fundamental principles customary for many years."

It was to the restitution of those principles in the face of what he called a "delegitimization of criticism in unprecedented proportions" on the part of his detractors, that Friedmann addressed himself in an illuminating interview in the mass circulation daily *Yediot Aharonot*. "I compare the situation today," he asserted, "to what people said in 1977, when the Alignment [precursor to Israel's current Labor Party] lost power and [Menahem] Begin was elected premier. They said he had stolen the country from them...Here we have a group [the Supreme Court justices and their allies] behaving like someone stole the justice system

from them. The courts were theirs and someone took it from them...The Supreme Court behaves like a political party. Furthermore, it behaves like a religious party. It does things that I don't believe any court in the West would dare do."

"It pains me to tell you this," Steven Plaut wrote on learning of Friedmann's February 2007 appointment as Minister of Justice, "but Ehud Olmert has actually done something right...spectacularly correct." Having probably read *The Prince* (a "must" for all in public life), the Justice Minister is doubtless aware of Machiavelli's warning that "there is nothing more difficult to carry out, nor more doubtful of success, nor more dangerous to handle than to initiate a new order of things; for the reformer has enemies in all who profit by the old order and only lukewarm friends in all who profit by the new."

Daniel Friedmann is still a long way from bringing judicial tyranny in Israel to its knees, but he's already put a sizeable chink in its armor. For that alone, guardians of Israeli democracy have much to cheer.

*William Mehlman represents AFSI in Israel and is co-editor of the Jerusalem-based internet magazine Zion-Net ([www.zionnet.net](http://www.zionnet.net)).*

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## Muslim Europe in the Making

Moshe Sharon

In 1683 the armies of Islam besieged Vienna for the second time. The first occasion had been a century and a half earlier. The great Islamic Empire of the time, the Ottoman Empire under the long reign of Suleiman the Magnificent, was then at its zenith. It had extended its border on the Danube far to the west of Budapest and would reach the gates of Vienna, which stood between its armies and Western Europe. Suleiman regarded himself at that time as the ruler of the world and treated the great kings of Europe as his subjects. The actual subjugation of the rest of Europe, as far as he was concerned, was only a matter of time.

Fortunately for the world of Christianity, when the Muslim armies attempted to besiege Vienna for the second time, some 117 years after Suleiman's death, the Ottoman Empire was already on the decline, its expansion westwards had been checked, and the bastions of European Christianity could begin to threaten the Muslim Empire rather than being threatened by it.

Yet for the Ottomans, the Christian countries of Europe remained Dar al-Harb—"the Land of War"—the term used by the Muslims for all territories *not yet* under Islamic rule. The term is both legal and political and is charged with religious belief and emotional fervor.

Legally speaking, it defines the relations between the lands of Islam and the lands of the infidels. Infidels—in Arabic *Kuffar* (singular: *kafir*)—are all

those who are not Muslims, mainly Jews and Christians. They are regarded as, both theoretically and effectively, in a state of war with Muslims. This war does not have to be declared, since from the Muslim viewpoint, it is the only possible state of affairs between the two parties. Moreover, it is part of the divine plan. For after Allah sent Mohammed "with the guidance and the religion of truth" there was no other way but that "he may uplift it above every religion." (Koran, surah 9 verse 33) In other words, Allah made it incumbent on the Muslims, the Community of the Faithful, to subjugate the whole world and bring it under the rule of Allah.

The fire of *Jihad*, Holy War, must burn in the heart of every Muslim. It is a collective and personal duty; and every Muslim leader, particularly the head of the Muslim Empire, is obliged to pursue this duty ceaselessly. Legally therefore, the appellation of "The Land of War" to Europe is understandable. Every Christian coming from the Land of War—*dar al harb*—has the status of *harbi*. This is different from being a *dhimmi*, the status imposed on Christians and Jews tolerated to live under Islamic rule as third-class subjects. The *harbi* is simply an alien, an enemy of Islam, even when no acts of war are in progress between the two sides.

This legal outlook reflects the religious obligation to keep the *Jihad*, the Holy War, always alive. Since no one can abolish this duty that is enshrined in the words of God in the Koran, it remains an open-ended condition. Similarly the Land of War cannot change its status until it is conquered by Muslims and

becomes part of the Land of Islam.

The emotional aspect of this religious obligation is an integral part of the way by which the relations between Muslims and *kafirs* were defined. The Koran and Islamic tradition taught the Muslims that their Community of the Faithful is “the best nation ever brought forth to men” (Koran, surah 3, verse 110) and that the truth of their religion is the only perfect truth, that they, as believers, are always on the right side, and the infidels are always wrong.

Europe, more than any other part of the world, personified the land of war. It was the natural place against which *Jihad* was to be waged. It was, after all, the major enemy of Islam from its inception.

But Europe proved to be a difficult enemy. It was an enemy that fought back successfully. In the Middle Ages the Crusades brought the Europeans into the heart of Islamic lands, but Islam somehow recovered from this success of the infidels, which placed the Muslims for the first time in a defensive position, and tormented them with doubts about Allah’s support.

Islam did not recover from the loss of Spain (“the Jewel in the Islamic Crown”). Once Islam conquered Spain, it became an Islamic land. Its reconquest by the infidels seemed to be a reverse of history for it negated the rule which says that once an Islamic land, always an Islamic

land. To this day Spain, which the Arabs insist on calling *Andalus*, is regarded as lost Islamic territory, the recovery of which is a religious and political objective and duty.

The offensive of the Ottomans against Europe in the 16<sup>th</sup> century, after they had destroyed the last symbol of Roman Christianity in the east with the conquest of Constantinople in 1453, was the natural course of the Islamic *Jihadi* idea. However, the Ottoman Empire failed, retreated, deteriorated, and was finally destroyed in the Great War in 1918. Moreover, Christian civilization and the modern way of life of Europe were victorious in other ways. The national regime in 20<sup>th</sup> century Turkey dramatically changed the nature of the state and society by importing from Europe everything that Western civilization could offer, from script to technology and from a system of government to fashion, with the declared aim of building a modern secular Turkey and expelling Islam from the life of state and society.

Another political development that was viewed as a major setback to Islam was the establishment of the State of Israel. More than the loss in the 15<sup>th</sup> century of the Islamic land of Spain, the establishment of Israel on Islamic land is regarded as a double reverse of history because not only does it involve the loss of land but it also constitutes an unacceptable situation where Jews, who are *dhimmis*, rule over Muslims.

This defies the divine law itself. It cannot be tolerated and must be changed.

Another setback was that Europe ceased to be the only land of the infidels. America joined this category and America has proved an even tougher opponent than Europe, both militarily and ideologically.

However, after World War II, Muslim activists detected that Europe had begun to show signs of old age, frailty and weakness and the mighty West in general was surprisingly vulnerable. Islam emerged as a strong power waiting to be engaged. This notion was summed up by the Malaysian premier Dr. Mahatir Muhammad at the opening of the Islamic summit on October 16, 2003. The 1.3 billion strong Muslims possess both natural sources of wealth and human resources and it was inconceivable that they should not be able to achieve their goals or be defeated by a few million Jews. Nonetheless the availability of resources that could be converted into weapons proved to be less effective than Mahatir and those who thought like him believed.

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It should be noted again that Islam is a warring religion and a fighting civilization. The Muslims left their mark on world history first and foremost in a military capacity. They can do the same in this age, changing their strategy and tactics, but remaining on the same course. The revivalist Muslim move-

ments—the Iranian revolutionaries, the Muslim Brotherhood, al-Qaeda, the Hamas and the Islamic Jihad, to mention only a few, have discovered the weak links in the West’s defense. On the one hand they have proved that terror, similar to that practiced by the Muslim assassins in the Middle Ages, can be much more devastating than the actual physical damage and bloodshed that it causes. In one act of terror they succeeded in changing the government in Spain. On the other hand, like the Soviets they soon discovered the ease with which they can exploit Europe’s democratic system, liberal ideologies, leftist intellectuals, the media and even governments, to achieve their objectives.

The Muslim *Jihad* for the conquest of Europe began a few decades ago and the Europeans are taking part in it as full collaborators on the side of Islam. The European Union has done away with national borders, obliterated defined national entities, weakened national feelings, ancient values and the sense of national pride and national defense. On the other hand it has created a wonderful infrastructure for the infiltration of Islam into Western Europe by millions of Muslims who maintain their Muslim identity, hold on to their Muslim values and regard the whole of Europe as their own land. Bin Laden, Qaradawi, the Ayatollahs of Iran, and many other teachers of Islam tell them that they are coming to Europe as masters and not as immigrants. These Muslims, using European laws and

exploiting leftist intellectuals, the “useful fools” (to use Lenin’s immortal definition) actually behave like masters in the host countries, rather than as guests. Thousands of mosques have been established in every country, from Finland to France. The Muslim way of life is even imposed on economic institutions and the Islamic version of history and thought is creeping into all echelons of political and intellectual life, affecting the educational system at every level.

Official Europe convened the Hamburg Symposium in 1983 to acknowledge meekly the importance of the Islamic contribution to the creation of European civilization and to encourage the study of Arabic and Islamic civilization in Europe free from the (sound and scientific) “orientalist method” of research, namely in accordance with Muslim traditional methods, concurrently encouraging departure from the Judeo-Christian heritage and minimizing its contribution to Western civilization.

This attempt to drive modern Europe away from its true moral, cultural and historical sources, in which Judaism occupies a central place, also has a political aspect. This constitutes yet another success of Islam, a natural by-product of the infiltration of its version of modern history into European society and institutions. Muslim propaganda has succeeded in presenting the establishment of the State of Israel as a sin committed by the Europeans against the world of Islam. In other words, the State of Israel is nothing but

an easy way by which post-war Europe has atoned for the crimes of the Nazis and their helpers at the expense of the poor Arabs.

This idea has taken root not only in the minds of the “useful fools” of the European left but has also found its way into the business and political community. Nowadays, more than ever, one can hear in these circles and in the media (covered in euphemisms) that the establishment of Israel was a “moral and political mistake.” In short, Europe would be happy to see a major Arab pogrom, to which it would quietly contribute its part, in order to rid her of the guilt of this “moral and political sin.” Much of European policy in the Middle East, and particularly the official enmity to Israel and pro-Arab nature of its policy, is directed and formed by these sentiments. And we have not mentioned the ingrained anti-Semitism which was covered up for a while, but from which Europe has never recovered.

Instead of paying attention to its steady conquest by Islam and the loss of its Western character, Europe has once again found the usual, ancient solution to all its problems—the Jews, and now also, conveniently, their state. There is a strong possibility that Europe will become Islamic in less than half a century, and it will be of its own doing.

*Moshe Sharon is professor emeritus of Islamic History at the Hebrew University.*

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## Off The Shelf

David Isaac

We’re all familiar with the concept of “off the shelf.” We buy most of our consumer electronics that way – ready to go. Now the Bush administration has taken a page from Best Buy’s playbook and introduced the concept to international treaties.

The administration’s new idea, spearheaded by Secretary of State Condoleezza Rice, is to push Israel to negotiate a final “agreement in principle,” which would be shelved until it could be implemented at a later date.

The thinking behind this idea is that such a treaty will motivate the Palestinian Arabs by giving them something to reach for—a trophy to be won once they’ve become a peace-loving people—at which point it will be brought down off the shelf and handed to them. The real pressure to reach a treaty, however, probably stems from President Bush’s insistence on his own trophy, an agreement to help burnish his legacy. One that can’t be implemented is the best weak leaders on both sides can do.

Plenty of pundits think a shelf agreement is a lousy idea. They explain that it needs to be the other way around, with the Palestinian Arab side first proving itself before final status negotiations commence. Past experience, they say, also shows that the Arab side will simply snatch the agreement off the shelf and demand Israel make still more sacrifices.

That’s one way to look at it. Another way is that an agreement reached with the express intention of not putting it into effect—a historical first—may be the greatest gift any American administration has ever bestowed upon the Jewish State. You sign it, we shelve it. It’s so brilliant it’s no wonder observers have mistaken it as ludicrous.

Quibble about the details if you must but it’s fair to say that every agreement Israel signs will involve retreat to a more disadvantageous position *vis a vis* its Arab enemy. Worldwide pressure persistently demands such agreements. If only there was a way to satisfy that pressure without making more concessions. What to do?

Enter the shelf agreement, an old-fashioned treaty with a twist. You don’t do it. Israel will satisfy the world’s hunger for progress on the Arab-Israel front at the same time it ensures its own survival through non-implementation.

### Vanishing Ink

Diplomats often talk about “iron clad” agreements. These are agreements that have been so thoroughly vetted, combed over and refined that they account for every possible contingency. Non-implementation agreements, especially since they’re new, must also meet these same high standards. One way is through vanishing ink.

There is always the danger that someone rummaging through treaties in the back rooms of the State

Department or Knesset or a Bedouin tent will stumble upon the non-implementation treaty and mistake it for the other kind and try to implement it.



Vanishing ink pens, which can be purchased online for \$4.95 a pair, guard against this possibility. Every non-implementation treaty written with these pens will

make a treaty unreadable within 20 minutes, just enough time for smiles and handshakes at the photo-op.

### Toilet Paper

According to the online encyclopedia Wikipedia, toilet paper "is a soft paper product used to maintain personal hygiene after human defecation or urination." Its first use dates back to the 6th century CE in early medieval China.

With such a long history, it seems only natural to print historical documents on the stuff. The main advantage, of course, is that this enviro-friendly and biodegradable material easily dissolves in water. All non-implementation partners should insist on toilet paper as their paper of choice, which will be deposited in the nearest toilet following the photo-op.

Naysayers often like to poo-poo important agreements by claiming they're not worth the paper they're written on. Well, here is one instance where the signatories can turn right around and say it is worth the paper it's written on!

### Retroactive Non-Implementation

History is full of mistakes. Just ask Israeli President Shimon Peres. He should know. He's made enough of them. Perhaps that's what he had in mind when he said, "I have become totally tired of history, because I feel history is a long misunderstanding."

If only there was a way to go back in time and right those wrongs. With retroactive non-implementation we can. Imagine a world without the Oslo Accords, a world without Camp David, a world without the White Paper of 1939.

You might say, "How is it possible? These agreements weren't written with vanishing ink. They weren't printed on toilet paper." And you have a point. But vanishing ink and toilet paper do not a non-implementation agreement make. What matters is the intention of the parties.

Take for example the intention behind the Arab concept of *hudna*, or "truce," the most famous of which was the Treaty of Hudaibiyyah between Muhammed and the Quraysh tribe, in which the former slaughtered the latter two years after it was signed.

*Tahdia* is another Arab favorite. This loosey-goosey idea doesn't quite amount to a *hudna* and translators still argue over its literal meaning, splitting evenly between "Hang on. I'm reloading," and "Stop moving, so I can kill you."



Along these lines, we would like to introduce a new Jewish political concept into the mix that will help both retroactive and future non-implementation go down more smoothly. It's called, "Treaty, Shmeaty," and translates roughly as "The Merkava tank in your town square will remain indefinitely."

If non-implementation catches on, and we're confident it will, soon the Chamberlains of the world will be crying out with perfect confidence from every tarmac, as they raise their vanishing ink-stained toilet paper treaties high, "Peace in another time."

*David Isaac is a freelance writer in Los Angeles.*

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## The Palestinian Refugee Issue: Rhetoric vs. Reality

Sidney Zabłudoff

The exact number of Palestinians who fled Israel from November 1947 to December 1948 will never be known. The estimates range from about 400,000 to one million. The most plausible is some 550,000. Based on census figures and demographic trends, in 1947 there were most likely about 740,000 Palestinians living in the area that became Israel. About 140,000 remained and roughly 50,000 soon returned after 1948 (estimates range from 30,000 to 90,000). About two-thirds of those who left Israel went to the West Bank and Gaza with the remainder mainly going to Jordan, Lebanon, and Syria.

The number of additional Palestinian refugees resulting from the 1967 war is also based on rough

approximations. Most observers use some 300,000, of whom nearly 100,000 returned in the months following the war. In addition, about half of those fleeing were already refugees from the 1948 war. The result is that new refugees probably amounted to about 100,000. Thus, the net total of refugees created by both wars was some 650,000.

Before 1948, there were slightly more than one million Jews in the Middle East and North Africa outside the area that became Israel. The total number fell by half in the years following the 1948 war and then declined to some 100,000 following the 1967 conflict. The Jewish population fell further in the ensuing years and by 2007 amounted to just 15,000 to 35,000. The bulk of those remaining reside in Iran. Thus roughly one million Jews became refugees because of actions of Middle Eastern and North African countries.

When the two refugee exoduses are compared, it can be concluded with a high degree of likeli-



hood that the number of Jewish refugees was some 50 percent greater than that of Palestinian refugees.

A considerable number of estimates exist as to the value of the assets lost by the Jewish and Palestinian refugees. The most solid estimate for assets given up by Palestinians fleeing the 1948 war was by John Measham Berncastle, who undertook the task in the early 1950s under the aegis of the newly formed United Nations Conciliation Commission for Palestine (UNCCP). He was a British land value estimator who had worked in Palestine since 1935. His estimate was 120 million Palestinian pounds of which about 100 million was for land and buildings and 20 million for movable property. Other estimates would add some 4-5 million Palestinian pounds for Arab bank accounts blocked by the Israeli government. The total of 125 million Palestinian pounds amounts to \$350 million in 1948. This is equal to some \$650 per 1948-1949 refugee.

To this must be added the asset losses for those additional 100,000 who fled in the aftermath of the 1967 war and 40,000 Internally Displaced Persons. The latter are included even though they often were given new property and/or compensation. At a realistic \$700 per capita that would amount to another \$100 million in lost Palestinian assets. Thus the total of assets lost by Palestinians is some \$450 million. In 2007 prices this would amount to \$3.9 billion.

There also are no precise global figures of the assets lost by the Jewish refugees from the Middle East and North Africa. Using a similar methodology, the minimal amount would be \$700 million at period prices and \$6 billion at 2007 prices. There are two key reasons for the higher value of assets for Jewish refugees. Most important, the number of Jewish refugees from Middle Eastern and North African countries is some 50 percent higher than that of Palestinian refugees. Second, the demographic nature of the two groups varied. A higher percentage of the Jewish population was urban, mainly traders and professionals, which would tend to accumulate more assets than the Palestine population that was more rural.

A major unknown is community property such as hospitals, mosques, synagogues, and religious schools. One estimate put the value of such Jewish-owned property in Egypt at \$550 million in 2007 dollars. It can be assumed that the Jewish amounts are larger than those of Palestinians because of the higher number of refugees and a larger number of locations.

It should be noted that it is impossible to determine an exact value for asset losses and an argument can be made for higher asset values. The

roughly \$10 billion in current value losses by both sides described above is determined by bringing the 1949 value up to 2007 value by adjusting for inflation. Often, however, prices of property increase faster than inflation and interest on financial assets is greater than the price increases. One method of determining current value is to use government long-term bond yields instead of inflation rates. This would increase the combined Jewish and Palestinian losses to some \$36 billion in 2007 prices. The bottom line, however, is that no matter what methodology is used the losses of Jewish refugees from Middle Eastern and North African countries are almost certainly at least 50 percent higher than those of Palestinian refugees.

Clearly, Israel in 1948 acted in self-defense against Arab states that wanted to eradicate the new country created by the United Nations. Many Palestinians fled in 1948 because Arab states said they should get out of the way of the war until the new state was defeated. Others took flight to avoid the fighting. Instances did occur in which Jewish forces drove the Palestinians out of their homes and Palestinian civilians were killed. But these occurrences were comparatively rare and take place in all wars.

By contrast, the expulsion of the Jews from Arab states was purely vindictive. Attacks on Jews and their property in these countries intensified in the 1920s with the discussion of a possible Jewish state in Palestine. The killings and property losses grew worse in the 1930-1945 era partly because of the added factor of Nazi propaganda and the Nazi and Vichy occupation of North Africa.

It was the extreme Arab violence and discriminatory government measures in reaction to the 1948, 1956, and 1967 wars that led to the huge exodus of Jews. Throughout the region there were anti-Jewish riots involving harassment and killings reminiscent of East European pogroms. Moreover, often there was confiscation of property, along with limitations on employment and economic opportunities similar to Nazi German actions in the 1930s.

Why does the Palestinian refugee issue remain strong while the larger expulsion of Jews is a backburner issue? The answer is simple and straightforward. Whereas the Jews who were forced out of Middle Eastern and North African countries were effectively and quickly resettled in Israel and Western nations, most of the Palestinians who fled and their descendants--some 4.7 million in 2006—are still considered refugees after sixty years or three generations. About one-third are in the West Bank and Gaza and the remainder in nearby countries, most prominently

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**It can be concluded with a high degree of likelihood that the number of Jewish refugees was some 50 percent greater than that of Palestinian refugees.**

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Jordan.

Calling these people refugees makes no sense. Few if any live in tent camps or temporary residences. Most own their homes and live in areas of towns that can be classified as working class neighborhoods. Rather than refugees, they are simply the recipients of assistance, mainly for education and health. Outside of the West Bank and Gaza, only Jordan has granted citizenship to all Palestinians. But even those assimilated into Jordan and elsewhere are still considered refugees by the United Nations Relief and Works Agency (UNWRA).

The political motivations are clear. After all, Jordan and Egypt could have absorbed the Palestinians in the West Bank and Gaza, which they controlled as part of their own countries. Meanwhile, both Arab governments and the Arab League opposed granting citizenship to Palestinian refugees in their countries because it would undermine the use of the right of return to eliminate the Jewish state.

These political machinations made the Palestinian refugee situation unique. It is the oldest refugee situation handled by the United Nations and is the only one in which refugee status is granted to descendants. Moreover, the prolonged emphasis on refugee camps and the right of return goes against historical reality. Massive displacements of individuals across borders have occurred throughout human history. In most instances the refugee issue was dealt with by their absorption in other countries. Some were resolved by the conflicting nations.

For example, during the 1920s 1.75 million Greeks and Turks moved across new boundaries based on their religious beliefs--Greek Orthodox and Muslim. Such a case involved the fourteen million Hindus/Sikhs and Muslims exchanged in 1947 between the newly formed countries of India and Pakistan. Indeed, from World War I to the 1950s, it was a widely held global view that the separation of ethnic and reli-

gious groups by moving them across borders would reduce tensions among countries and the chances of war.

In other cases the moves were forced as a result of border changes. For example, at the end of World War II, at the insistence of the USSR, the Polish borders were moved west as the Soviets took over Polish territory and Poland took over areas previously in Germany. Millions were forced to move from their homes to new areas and no compensation was paid.

Normally, although initially the refugees faced difficult times, within one generation the resettled population assimilated into their new country. A case in point is the current president of Pakistan, Pervez Musharraf. He was born in New Delhi and at age four was one of the many Muslims who moved to Pakistan. The story of refugees (survivors) of the Holocaust, by far the most devastating event inflicted on any group during the twentieth century, followed a similar pattern. The Palestinians would probably have followed the same course if not for the disruptions caused by terrorism bolstered by incessant anti-Israeli propaganda.

For most refugee crises of the post-World War II era, compensation came mainly in the form of temporary assistance. Such rehabilitation efforts usually lasted for several years while the refugee groups were becoming assimilated into their new surroundings. It is only the Palestinian one in which such support continued for a prolonged period. In 2007 prices, UNRWA has spent \$13.7 billion since its inception in 1950. Its 2007 budget exceeds \$500 million. The result is that UNRWA, over the past fifty-seven years, has spent 3.5 times more than the Palestinian refugees lost in assets, and this excludes assistance they received through other aid programs provided to the Palestinians mainly by Western countries.

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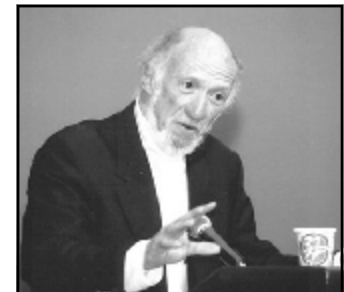
## Plumbing the Depths at the UN

Rael Jean Isaac

Just when you thought the UN had plumbed the depth of evil absurdity, the organization trumps itself. The latest imbecility: the (new, improved, reformed) UN Human Rights Council by unanimous vote has appointed Richard Falk to a newly created position to report on human rights violations by Israel against the Palestinians (as far as the UN Human Rights Council is concerned – check the website—Israel is the only identified offender against human rights.) Falk's lofty title, Milbank professor of international law emeritus at Princeton, merely illustrates the degradation of our elite universities.

Falk has gone one better on his predecessor as investigator into Israel's misdeeds for the UN Human Rights Council. In *The Times* (UK) of April 15 David Aaronovitch points out that while his predeces-

sor only compared Israel to apartheid South Africa, Falk had compared Israel to Nazi Germany. Not only that, after his UN appointment, he assured the BBC that he stood by the analogy. A dependable anti-Israel activist (one of those Jewish defamers of Israel whose ilk is analyzed in Alexander and Bogdanor's *The Jewish Divide Over Israel*) Falk could be counted



Richard Falk

on as signatory to anti-Israel ads over many years, was a board member of the American-Arab Anti-Discrimination Committee; and was a sponsor of the Palestine Human Rights Campaign, a pioneer in working to create a pro-PLO coalition in the U.S.

Nor is Falk a neophyte when it comes to at-

tacking Israel in the name of “human rights” at the UN. When Arafat launched his mini-war on Israel in 2000 (the so-called second *intifada*), the (then) UN Human Rights Commission appointed Falk as one of three international “experts” to prepare a report on the use of force by Israel against the Palestinians. The resolution establishing the commission announced the result before the commission even began its work, stating that Israel’s actions (never mind that Israel was doing the minimum to defend its citizens) “constitute a war crime and a crime against humanity.”

Falk had proved his suitability to serve as UN “expert” with an article in the Winter 2000 issue of MERIP’s *Middle East Report*. Falk began his article “International Law and the al-Aqsa Intifada” by declaring that while the Israeli government and the U.S. media persisted in describing the *intifada* as a disruption of the peace process, in international law the Palestinian resistance to occupation was a legally protected right. In short, the PA had every right to shoot Israelis and they had no right to respond.

MERIP itself—the Middle East Research and Information Project—was a fitting home for the article. Described in 1972 in B’nai Brith’s *Facts* as a “propaganda mill of the Far Left” MERIP’s chief problem for years was deciding with which branch of the Palestinian revolution to identify. Its sympathies clearly lay with George Habash in his tactical struggle with Arafat but it “evenhandedly” sent out publications of both Fatah and the Popular Front for the Liberation of Palestine. When terrorists gunned down Israel’s athletes at the Olympic Games in Munich, MERIP issued a flyer declaring that while it was “regrettable” when people were killed, “we should comprehend the achievement of the Munich action...It has provided an important boost in morale among Palestinians in the camps.”

For years Falk was best known for his love affair with the Ayatollah Khomeini. Along with one-time attorney Ramsay Clark, Falk visited Khomeini while he was still a refugee in Paris and came back to reassure the American public that the Ayatollah was a “moderate.” Writing in *The New York Times*, Falk insisted that the American press had “defamed” Khomeini. “The depiction of him as fanatical, reactionary and the bearer of crude prejudices seems certainly and happily false,” wrote Falk, “the work of political opponents seeking to frighten people.” His close advisers, Falk claimed, were “uniformly composed of moderate, progressive individuals.” Falk’s endorsement was important at the time for the Shah still ruled Iran and Khomeini needed to build international support.

When Khomeini turned out to be all that his opponents accused him of, and more, Falk did not fal-

ter in his support. On the contrary, in June 1980, seven months after the U.S. embassy had been seized and the American hostages imprisoned, Falk and Ramsey Clark went on a pilgrimage to Teheran where they participated in the Khomeini regime’s anti-American “war crimes” tribunal.

Post 9/11 Falk has gone completely off the rails. While there is a widespread, if false, belief that Israel is the villain in the Arab-Israel conflict, Falk lacks such cover for his newest tenet: that the World Trade Center was probably a “false flag” operation, likely perpetrated by the villainous “neocons.” Here is what he said (as reported by Eli Lake in *The New York Sun*, April 10, 2008) in a March 24 interview with radio host Kevin Barrett, co-founder of the Muslim-Jewish-Christian Alliance for 9/11 Truth:

“It is possibly true that especially the neoconservatives thought there was a situation in the country and in the world where something had to happen to wake up the American people. Whether they are innocent about the contention that they made that some-

thing happen or not, I don’t think we can answer definitively at this point. All we can say is that there is a lot of grounds for suspicion; there should be an official investigation of the sort the 9/11 commission did not engage in and that the failure to do these things is cheating the American people and in some sense the people of the world of a greater confidence in what really happened than they presently possess.”

If Falk is a trifle mealy-mouthed here, he is clearly more forthright with the like-minded. Barrett praised him as a scholar “sympathetic to the 9/11 truth movement.” Indeed, in 2004 Falk wrote the forward to David Ray Griffin’s *The New Pearl Harbor*. Aaronovich describes Griffin as the “intellectual guru of the ‘Bush blew up the twin towers’ movement” who argues that no plane hit the Pentagon and that the World Trade Center was brought down by a controlled demolition. Falk also wrote a chapter for Griffin’s *9/11 and American Empire: Intellectuals Speak Out* in which he warned darkly: “Momentous suspicious events bearing on the legitimacy of the process of governance in the U.S have been consistently shielded from mainstream inquiry by being re-inscribed as the wild fantasies of ‘conspiracy theorists’...The management of suspicion is itself suspicious.”

This nut-case is now the UN Human Rights Council’s judge and jury on Israel. Daniel Carmon, deputy permanent representative of Israel to the UN, has said: “We are asking the UN not to send him. We cannot agree to Mr. Falk’s entrance into Israel in his capacity as the rapporteur.” If Israel backs down on this, and allows him access, it will be acting as an enabler and deserve the “reportage” it gets. •

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### For years Falk was best known for his love affair with the Ayatollah Khomeini.

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(Continued from page 2)

Germany, spoke of the long time it took before the regime was recognized “for the monster it was.” For Buchanan it seems that recognition will never come. Which is all the more reason we can be profoundly grateful Buchanan never achieved his goal of becoming the Republican candidate for President and we were preserved from this sick soul in the White House.

## Inside the Pentagon

*War and Decision: Inside the Pentagon at the Dawn of the War on Terrorism*, written by Douglas Feith, former Under Secretary for Policy at the Defense Department, is must reading for anyone who wants to understand the way in which the key decisions following 9/11, above all those on the Iraq war, were made. It offers a fascinating insight into the competing perspectives within the administration. Feith shows that much of what has become the conventional wisdom about the nature of the disagreements between the Defense Department, the State Department and the CIA is not only false, but the reverse of what they actually were. What is equally interesting is that the book provides a rare view into the mechanics of policy making in the administration.

There is no effort to even scores (although Feith must surely have been sorely tempted to take a shot at CENTCOM commander Tommy Franks, who treated him contemptuously in his own book). The book is scholarly and relies heavily on hundreds of internal documents by the most senior advisers to the President which Feith was able to declassify in whole or in part—some are reprinted in the appendix; many more are available on the book’s website.

Minor to the book but of special interest to readers of *Outpost*, Feith notes that when State Department officials were urged to confront the issue of “ideology” (i.e. radical Islam) they “would often comment on these issues by arguing that nothing of importance could be done to push back against Jihadist extremism until we resolved terrorism’s ‘root causes’—defined as economic despair and the Arab-Israeli conflict.” When the issue of removing Saddam came to the fore, the State Department’s Richard Armitage objected that in the absence of progress toward Palestinian-Israeli peace, the U.S. would be accused of acting for Israel. In response, Wolfowitz, second in command at the Defense Department, argued that weakening Saddam would further the peace process.

What struck this reader is that no one in the policy loop said that the Arab-Israel conflict was not soluble given that the Arab goal was to destroy Israel, not co-exist with her. This obvious truth was apparently off-limits. But if policy makers are trapped in a fantasy world of discourse, how can they formulate policies with a reasonable prospect of success?

## An Important Victory

Rachel Ehrenfeld’s persistence in fighting off Saudi billionaire Khalid bin Mahfouz’s attempt to silence her has paid off. The New York State Legislature unanimously passed the “Libel Terrorism Protection Act.” It declares overseas defamation judgments unenforceable in New York unless the foreign defamation law provides, in substance and application, the same free speech protections guaranteed under our own constitution. •

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