**Obama pulls a bait-and-switch on anti-Israel Security Council vote**

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The Obama administration pulled a bait and switch in refusing to veto the recent Security Council resolution against Israel. In attempting to justify its abstention – which under Security Council rules has the same effect as a vote in favor – the administration focuses on “new” settlement building, especially in areas deep into the West Bank.

In her [speech to the Security Council](http://www.haaretz.com/israel-news/1.761017), Ambassador [Samantha Power](http://thehill.com/people/samantha-power) explained the administration’s vote this way:

“Today, the Security Council reaffirmed its established consensus that settlements have no legal validity.... President Obama and Secretary Kerry have repeatedly warned – publically and privately – that the absence of progress toward peace and continued settlement expansion was going to put the two-state solution at risk, and threaten Israel’s stated objective to remain both a Jewish State and a democracy ... This resolution reflects trends that will permanently destroy the hope of a two-state solution if they continue on their current course.”(emphasis added)

Likewise Ben Rhodes, Obama’s Deputy National Security Advisor, said:

“[Netanyahu had the opportunity](http://www.timesofisrael.com/white-house-netanyahus-choices-led-to-anti-settlement-un-resolution/) to pursue policies that would have led to a different outcome today.... In the absence of any meaningful peace process, as well as in the accelerated settlement activity, we took the decision that we did today to abstain on the resolution.” (emphasis added)

In a press release, the pro-Obama advocacy group J. Street [welcomed America’s abstention](http://jstreet.org/press-releases/j-street-welcomes-us-abstention-unsc-resolution/#.WGAFQ7GZOXQ), citing a poll showing “that 62 percent of Jewish voters believe the United States should either support or abstain from voting on a United Nations Security Council resolution calling on Israel to stop building settlements in the West Bank.”(emphasis added)

And the media – from [CNN](http://www.cnn.com/2016/12/23/politics/israel-official-rips-obama-un-settlements/), to the [New York Times](http://www.nytimes.com/2016/12/23/world/middleeast/israel-settlements-un-vote.html?_r=0), to the [Wall Street Journal](http://www.wsj.com/articles/israeli-settlement-censure-back-on-u-n-calendar-1482515573) – also reported that the resolution was only about the expansion of new settlements.

But the text of the resolution itself goes well beyond new building in these controversial areas and applies equally to historically Jewish areas that were unlawfully taken by Jordanian military action during Israel’s War of Independence and liberated by Israel in a war started by Jordan in 1967.

The [text of the Security Council Resolution](http://www.haaretz.com/israel-news/1.761030) says that “any changes to the 4 June 1967 lines, including with regard to Jerusalem,” have “no legal validity and constitutes a flagrant violation under international law.” This means that Israel’s decision to build a plaza for prayer at the Western Wall – Judaism’s holiest site – constitutes a “flagrant violation of international law.” If it does then why did President Obama pray there and leave a note asking for peace?

Under this resolution, the access roads that opened up Hebrew University to Jewish and Arab students and the Hadassah Hospital to Jewish and Arab patients are illegal, as are all the rebuilt synagogues – destroyed by Jordan – in the ancient Jewish Quarter of the Old City.

Is it really now U.S. policy to condemn Israel for liberating these historically Jewish areas in Jerusalem? Does Obama really believe they should be made judenrein again, as they were between 1949 and 1967?

If so, why didn’t the administration openly acknowledge that it was changing half a century of bipartisan support for Israel’s claims to these sacred areas? If not, why did it not demand changes in the language of the resolution to limit it to new building in disputed areas of the West Bank?

The Obama administration can’t have it both ways. It must now declare where it stands on Israel’s right to allow prayer at the Western Wall, access to Hebrew University and Hadassah Hospital, and the repair of destroyed synagogues to the Jewish Quarter.

J Street, as well, has an obligation to its members – many of whom pray at the Western Wall and have deep connections to Hebrew University and Hadassah Hospital and the Jewish Quarter of Jerusalem – to advise them whether the organization supports Israel's abandoning these Jewish areas until Palestinians agree to a negotiated settlement.

The media, as well, should clarify the impact of the resolution beyond new building in the West Bank, so that all Americans well know what their President supported.

President-elect [Donald Trump](http://thehill.com/people/donald-trump) and Congress can make it clear that it is not U.S. policy that all changes “to the 4 June 1967 lines, including with regard to Jerusalem” are in violation of international law. The new president can immediately recognize Jerusalem as the capital of Israel and begin the process of moving our embassy there.

The justification for keeping it in Tel Aviv was not to change the status quo, but that justification no longer exists because this resolution does precisely that: it declares the status quo – the reality on the ground that acknowledges Israel’s legitimate claims to its most sacred and historical Jewish areas – to be flagrant violations of international law. Congress can legislate no funding to implement the Security Council’s troubling resolution.

If the Obama administration refuses to announce that it supports the language of the resolution that applies to the Jewish areas discussed above, then the entire resolution should be deemed invalid because the U.S. did not cast its abstention – the equivalent of a yes vote – in good faith.