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CARTER'S SCREED AGAINST ISRAEL

Alan M. Dershowitz[*]

When former President Jimmy Carter published *Palestine: Peace not Apartheid* in November 2006, he laid the gravest of charges against Israel.[1] By accusing Israel of apartheid—which in its South African form was condemned by the international community as a "crime against humanity"—Carter put the Jewish state in the dock alongside some of the worst atrocities in modern history. Small wonder, then, that his book provoked immediate outrage. No reasonable person objected to his criticism of Israel, which he has not been shy to dish out over the years. Rather, his many detractors objected to the extreme tone his demonization had taken, going far beyond what even harsh critics of the occupation consider legitimate or defensible. They also objected to his lack of balance, to his preference for slogans over nuance, and to his dumbing-down of complex issues.

Strangely, Carter offered no proof to back up his explosive charge of apartheid. The word "apartheid" only appeared three times across the 250 pages of his book;[2] he did not even bother to define what the word "apartheid" meant. Jeffrey Goldberg of *The Washington Post* accurately described this as "bait and switch" tactics, adding that Carter's book was both "cynical" and "anti-historical."[3]

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[1] JIMMY CARTER, PALESTINE: PEACE NOT APARTHEID (Simon & Schuster 2006).

[2] Carter, *supra* note 1, at 30, 215, 216.

[3] Jeffrey Goldberg, *What Would Jimmy Do? A Former President Puts the Onus for Resolving the Mideast Conflict on the Israelis*, WASH. POST, Dec. 10, 2006, at T03.

His use of the loaded word "apartheid," suggesting an analogy to the hated policies of South Africa, is especially outrageous, considering his acknowledgment buried near the end of his shallow and superficial book that what is going on in Israel today "is unlike that in South Africa—not racism, but the acquisition of land."[4] Nor does he explain that Israel's motivation for holding on to land it captured in a defensive war is the prevention of terrorism. Israel has returned territory, on several occasions, seeking to exchange land for peace, and what it got instead was terrorism, rockets, and kidnappings launched from the returned land.

In fact, the plague of Palestinian-Arab terrorism is virtually missing from Carter's entire historical account, which blames nearly everything on Israel and almost nothing on the Palestinians. Incredibly, he asserts that the initial violence in the Israeli-Palestinian conflict occurred when "Jewish militants" attacked Arabs in 1939.[5] The long history of Palestinian terrorism against Jews—which began in earnest in 1929, when the Grand Mufti of Jerusalem ordered the slaughter of more than 100 rabbis, students, and non-Zionist Sephardim whose families had lived in Hebron and other ancient Jewish cities for millennia—was motivated by religious bigotry. The Jews responded to this racist violence by establishing a defense force.[6] There is no mention of the long history of Palestinian terrorism before the occupation, or of the Munich massacre and other acts inspired by Yasser Arafat. There is not even a reference to the Karine A, the boatful of terrorist weapons ordered by Arafat in January 2002.

I have known Jimmy Carter for more than thirty years, ever since he invited me to work on his 1976 campaign for President. I met him most recently in 2006 while we were both in Israel, and we briefly discussed the Middle East. Though I disagreed with some of his arguments, I continued to believe that he was acting in good faith, out of a deep commitment to principle and to human rights. This book shook my faith in his integrity. It exposes the degree to which Carter has acted in bad faith, and sold his principles to the enemies of peace in the Middle East.

Carter claims that he wrote his book to encourage negotiations in the Middle East and debate in America, and to encourage the U.S. to take a more active role as a peace broker between Israelis and Palestinians. In truth, he sought to delegitimate Israel and blame it for the failure of the

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[4] Carter, *supra* note 1, at 190.

[5] Carter, *supra* note 1, at 4.

[6] There had been earlier violence and earlier responses but on a smaller scale.

peace process, all while hiding behind the fig leaf of support for a two-state solution. That is why Carter's words—in his book and in subsequent interviews—are being featured on radical Islamic and neo-Nazi hate sites around the world,[7] and being praised by hard-left supporters of terrorism like Alexander Cockburn and Norman Finkelstein. Cockburn crowed: "Carter's book soars higher and higher on the best-seller lists, reaching No. 4 at one point on Amazon itself."[8] Yet it was Cockburn himself who described Carter as "a white male American with the blood of thousands on his hands" when the former President won the Nobel Peace Prize in 2002.[9] Even Finkelstein has been forced to admit that "[t]he historical chapters of *Palestine[:] Peace Not Apartheid* are rather thin, filled with errors small and large, as well as tendentious and untenable interpretations."[10] Yet for these professional Israel-haters, Carter's attack on Israel absolves him of all other sins.

Most respectable reviewers panned Carter's book. Michael Kinsley called it "moronic";[11] *The Economist* concluded: "simplistic and one-sided as charged."[12] Even friendly reviewers such as Joseph Lelyveld, of *The New York Review of Books*, observed that Carter's use of "apartheid" was "basically a slogan, not reasoned argument."[13] So Carter played the victim, accusing his critics of trying to censor him: "I've been through political campaigns for state senate and for governor and for president. I've been stigmatized and condemned by my political

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[7] Press Release, Anti-Defamation League, Anti-Semites, White Supremacists Exploit Jimmy Carter's Book for Propaganda Value (Jan. 4, 2007), *available at* http://www.adl.org/PresRele/ASInt_13/4955_13.htm.

[8] Alexander Cockburn, *Get Carter; Iran, Too*, CREATORS, Jan. 20, 2007, http://www.creators.com/opinion/alexander-cockburn/get-carter-iran-too.html.

[9] Alexander Cockburn, *Vindication Through Violence: Jimmy Carter and the DC Sniper*, COUNTERPUNCH, Oct. 12, 2002, http://www.counterpunch.org/cockburn1012.html.

[10] Norman Finkelstein, *Jimmy Carter's Roadmap*, COUNTERPUNCH, Nov. 13, 2006, http://www.counterpunch.org/finkelstein11132006.html.

[11] Michael Kinsley, *It's Not Apartheid: Jimmy Carter's Moronic New Book About Israel*, SLATE, Dec. 11, 2006, http://www.slate.com/id/2155277/fr/rss/.

[12] *The Carter Version: A President Remembers*, ECONOMIST, Dec. 16, 2006, at 86.

[13] Joseph Lelyveld, *Jimmy Carter and Apartheid*, N.Y. REV. BOOKS, Mar. 29, 2007, *available at* http://www.nybooks.com/articles/19993.

opponents and their stories."[14] Carter further complained to an audience at Brandeis University that, "this is the first time that I've ever been called a liar and a bigot and an anti-Semite and a coward and a plagiarist."[15]

The effect of Carter's book on public opinion in America has been minimal; few were likely, in any case, to be convinced by a man frequently described as "[o]ur [w]orst [e]x-President,"[16] and even as the "worst . . . ever" U.S. President.[17] Yet his book has had a damaging and possibly long-lasting impact regarding debates on the Middle East, and quite possibly on the Israeli-Palestinian peace process itself.

Carter's book is, first of all, riddled with factual errors, virtually all of them unfavorable to Israel. Some of these are plain misrepresentations of history. He claims, for example, that Israel launched a preemptive attack against Jordan in the 1967 war.[18] Historians all agree that Jordan attacked first, and that Israel tried in vain to persuade Jordan to stay out of the fighting. There are also important omissions of fact from Carter's book. Carter faults Israel for its "air strike that destroyed an Iraqi nuclear reactor" without mentioning that Iraq had threatened to attack Israel with nuclear weapons, that the U.N. had failed to intercede, and that Iran had already attacked the reactor (unsuccessfully) in 1980.[19] Carter also draws incorrect inferences from historical facts and documents, mostly to Israel's disadvantage. He repeatedly condemns Israel for refusing to comply with U.N. Security Council Resolution 242, for example, ignoring the language and intent of the resolution, as well as the fact that Israel immediately accepted it and the Arab states rejected it. The Arabs met in Khartoum and issued their three famous noes: "no peace, no recognition, no negotiation." But you wouldn't know that from reading the Carter version of history. He also faults Israel for its administration of Christian and Muslim religious sites, when in fact Israel is scrupulous in defending them, while the Palestinian Authority allowed

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[14] Jimmy Carter, Remarks at Brandeis University, Waltham, MA (Jan. 23, 2007), *available at* http://my.brandeis.edu/news/item?news_item_id=7816.

[15] *Id.*

[16] Joshua Muravchik, *Our Worst Ex-President*, COMMENTARY, Feb. 2007, at 17, 26.

[17] Christopher Hitchens, *Peanut Envy*, SLATE, May 21, 2007, http://www.slate.com/id/2166661/.

[18] Carter, *supra* note 1, at 59.

[19] Carter, *supra* note 1, at 103.

both Christian and Jewish sites to be destroyed.[20] He also fails to mention that Jewish sites were eliminated, desecrated or simply placed beyond reach for Jews between 1948 and 1991, when Jordan controlled the West Bank.

Carter also misappropriates and misrepresents historical evidence. He was accused of using maps from Dennis Ross's book *The Missing Peace*, without attribution.[21] He mislabels one of the maps as representing "Israeli Interpretation" of the December 2000 Clinton parameters, when in fact the map represents the actual U.S. proposal, accepted by the Israelis and rejected by the Palestinians.[22] In addition, in several public appearances, Carter has claimed that former South African President Nelson Mandela has endorsed the analogy between Israel and apartheid South Africa. He has never, in fact, done so; Carter seems to be relying on his imagination, or else a hoax letter from "Nelson Mandela" that was made up by an Arab journalist in Europe.[23]

Carter repeatedly claims that the Palestinian Arabs have long supported a two-state solution and the Israelis have always opposed it. Yet he makes no mention of the fact that in 1938 the Peel Commission proposed a two-state solution, with Israel receiving a mere sliver of its ancient homeland and the Palestinians receiving the bulk of the land. The Jews accepted and the Palestinians rejected this proposal because Arab leaders cared more about there being no Jewish state on Muslim holy land than about having a Palestinian state of their own.

He barely mentions Israel's acceptance, and the Palestinian rejection, of the United Nations' division of the mandate in 1948. Carter gives virtually no credit to Israel's superb legal system, falsely asserting (without any citation) that, "confessions extracted through torture are admissible in Israeli courts,"[24] that prisoners are "executed," and that the "accusers" act "as judges." Even Israel's most severe critics acknowledge the fairness of the Israeli Supreme Court, but not Carter.

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[20] Carter, *supra* note 1, at 126.

[21] DENNIS ROSS, THE MISSING PEACE: THE INSIDE STORY OF THE FIGHT FOR MIDDLE EAST PEACE (Farrar, Straus and Giroux 2004).

[22] Carter, *supra* note 1, at 148.

[23] Joel Pollak, Op-Ed., *The Trouble with the Apartheid Analogy*, BUSINESS DAY, Mar. 2, 2007, at 15, *available at* http://www.businessday.co.za/articles/opinion.aspx?ID=BD4A400541.

[24] Carter, *supra* note 1, at 197.

Carter's description of the recent Lebanon war is also misleading. He begins by asserting that Hezbollah captured two Israeli soldiers.[25] "Captured" suggests a military apprehension subject to the usual prisoner of war status. The soldiers were kidnapped, and have not been heard from—not even a sign of life. The rocket attacks that preceded Israel's invasion are largely ignored, as is the fact that Hezbollah fired its rockets from civilian population centers.

The most egregious mistake—at least, Carter claims it was a mistake—is Carter's now infamous statement on page 213 of his book that: "[i]t is imperative that the general Arab community and all significant Palestinian groups make it clear that they will end the suicide bombings and other acts of terrorism *when international laws and the ultimate goals of the Roadmap for Peace are accepted by Israel*" (emphasis added).[26] This "mistake," which implies both support for Palestinian terror and rests on the false idea that Israel has rejected the peace process, was the driving factor behind the resignation of fifteen members of the Board of Councilors of the Carter Center, the former president's philanthropic foundation. His former ally and co-author, Dr. Kenneth Stein of Emory University, also resigned in protest over Carter's misrepresentations of the facts.

Jewish reactions to Carter's book were, for the most part, highly negative. Only a few hard-left voices defended him. Yossi Beilin, leader of Israel's Meretz-Yihud Party, supported Carter's book—and even he distanced himself from Carter's use of the term "apartheid," saying it was "metaphorical" at best.[27] Yet no one attempted to stop publication of his book; no one tried to destroy it; no religious or political authorities threatened or excommunicated the author. In fact, Carter received invitations from predominantly Jewish institutions such as Brandeis University, where he was greeted warmly; he promoted the book from many other public platforms, without hindrance. Much of what Carter was to later exaggerate as suppression was merely counter-speech from people who disagreed with him, and to whose arguments he could not respond. Many were justifiably angry that Carter had legitimated comparisons between Israel and the world's worst human rights offenders by casting the blame for Palestinian suffering almost exclusively on Israel. Asked

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[25] Carter, *supra* note 1, at 198, 201.

[26] Carter, *supra* note 1, at 213.

[27] Yossi Beilin, Op-Ed, *The Case for Carter*, JEWISH DAILY FORWARD, Jan. 16, 2007, at A1.

whether he believed that Israel's "persecution" of Palestinians was "even worse . . . than a place like Rwanda," Carter answered: "Yes. I think—yes."[28] The comparison, of course, is absurd. Rwandan Hutus deliberately and methodically slaughtered nearly one million Tutsis and moderate Hutus; during any comparable period the number of Israelis and Palestinians killed has never exceeded the hundreds and has mostly comprised combatants or inadvertent civilian deaths.

Further, the Tutsis never had a chance to prevent their slaughter, whereas the Palestinians initiated the violence against Israel and repeatedly refused—and continue to refuse—to agree to any sort of peace agreement, be it the Peel Commission, the U.N. partition plan or the 2000 Camp David proposals.

The idea of uttering Israel and Rwanda in the same sentence—citing Israel as the great offender of human rights—is obscene. It is also deeply insulting to the memory of those Rwandans who were murdered, raped and mutilated in what could only be characterized as genocide.

This is precisely the sort of exaggeration that caused Congressman John Conyers, a founding member of the Congressional Black Caucus, to take Carter to task for using the word "apartheid" in the title of his book, thereby belittling the horror of the real racial discrimination and apartheid. As Conyers said, accusing Israel of apartheid "does not serve the cause of peace, and the use of it against the Jewish people in particular, who have been victims of the worst kind of discrimination, discrimination resulting in death, is offensive and wrong."[29]

To be sure, Carter seems to have backed away from his comparison to Rwanda, just as he did with the comparison to apartheid—but only after first making a splash. He said he doesn't want to go back into "ancient history about Rwanda."[30] But this is disingenuous. Rwanda, when invoked in the context of a human rights discussion, stands for genocide just like apartheid stands for oppressive, discriminatory and segregationist practices in pre-1990 South Africa. Everyone understands these symbols and Carter recklessly traffics in them until someone calls him out and he's forced to backtrack.

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[28] *Hardball with Chris Matthews* (MSNBC television broadcast Nov. 28, 2006) (transcript on file with LEXIS).

[29] Michael F. Brown, *Dems Rebut Carter on Israeli 'Apartheid,'* THE NATION.COM, November, 20 2006, http://www.thenation.com/doc/20061204/ brown.

[30] Hardball, *supra* note 28.

Carter's selective judgment has invited accusations of prejudice, which have been reinforced by what he has said on television and radio and in print to promote his book. Carter has, for example, strongly implied that Jews control the media and public debate in the U.S., even claiming (falsely) that negative reviews of his book "have been written by representatives of Jewish organizations."[31] (By the way, Conyers does not represent any "Jewish organizations" to my knowledge. Nor, in fact, do I, Michael Kinsley and other reviewers.) In interview after interview he has stated—quite categorically and quite falsely—that the plight of the Palestinians in the West Bank is "not something that has been acknowledged or even discussed in this country . . . You never hear anything about what is happening to the Palestinians by the Israelis."[32] This of course is entirely false. The West Bank and Gaza are regularly and extensively covered by all major U.S. newspapers. The indisputable fact is that more space per capita is devoted to the Palestinians than to any other occupied or victimized group in the world.

Why then would Carter promote this falsehood? There is only one answer: to play into the old anti-Semitic stereotypes of Jewish control over the media and public debate. When Carter has been asked why he thinks there has been no media attention paid to the Israeli aggression against the Palestinians, he smiles and says I don't know, but goes on to say that he has "witnessed and experienced the severe restraints on any free and balanced discussion of the facts"—thus implying that someone or some group is restraining free expression.[33] In his appearance on Meet the Press, Carter actually pointed to "the Jewish lobby" as "part" of the problem.[34] What exactly is the "Jewish" lobby, as contrasted with the Israel lobby? Carter never explains.

Carter has also supported the false notion that the "Jewish lobby" or "Israel lobby" controls U.S. government policy on this and other issues. He writes: "It would be almost politically suicidal for members of Congress to espouse a balanced position between Israel and Palestine or to suggest that Israel comply with international law or to speak in defense of justice or human rights for Palestinians. Very few would ever

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[31] Jimmy Carter, Op-Ed., *How I See Palestine*, L.A. TIMES, Dec. 8, 2006, Part A, at 43.

[32] *Larry King Live* (CNN television broadcast Nov. 27, 2006) (transcript on file with LEXIS).

[33] Carter, *supra* note 31.

[34] *Meet the Press with Tim Russert* (NBC television broadcast Dec. 3, 2006).

deign to visit the Palestinian cities of Ramallah, Nablus, Hebron, Gaza City or even Bethlehem and talk to the beleaguered residents."[35] Again, this is total nonsense. Many American political figures have visited Palestinian cities. Why could Carter so overstate the truth and play into anti-Jewish stereotypes?

As far as our legislators are concerned, Carter is accusing Barack Obama, John McCain, Hillary Clinton, and Patrick Leahy of being bought and paid for by the Israeli lobby. On Planet Carter, even congressmen with no Jewish constituents would be committing political suicide by taking a balanced position on the Middle East. What an outrageous insult to some of the best journalists and most independent political figures in the world.

At the bottom, Carter is saying that no objective journalist or politician could actually believe that America's support for Israel is based on moral and strategic considerations and not on their own financial self-interest. Such a charge is so insulting to every honest legislator and journalist in this country that I am amazed that Carter has been let off the hook so easily. On Planet Carter, only Jimmy Carter is capable of telling the truth, because only he is free of financial pressures that might influence his positions.

It now turns out that the shoe is precisely on the other foot. Recent disclosures prove that it is Carter who has been bought and paid for by anti-Israel Arab and Islamic money. Journalist Jacob Laksin has documented the tens of millions of dollars that the Carter Center has accepted from Saudi Arabian royalty and assorted other Middle Eastern sultans, who, in return, Carter dutifully praised as peaceful and tolerant (no matter how despotic the regime).[36]And these are only the confirmed, public donations.

Carter has also accepted half-a-million dollars and an award from Sheik Zayed bin Sultan al-Nahyan, saying in 2001: "This award has special significance for me because it is named for my personal friend, Sheik Zayed bin Sultan al-Nahyan."[37] This is the same Zayed, the long-

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[35] Carter, *supra* note 31.

[36] Jacob Laksin, *Jimmy Carter and the Arab Lobby*, FRONT PAGE MAGAZINE, Dec. 18, 2006, http://frontpagemagazine.com/Articles/Read.aspx?GUID=%7BD7B261EF-A52C-428E-9E5F-D6BBF5C49132%7D.

[37] Jimmy Carter, Acceptance Speech in the United Arab Emirates (Apr. 21, 2001) (transcript *available at* http://www.cartercenter.org/news/documents/doc447.html).

time ruler of the United Arab Emirates, whose $2.5 million gift to the Harvard Divinity School was returned in 2004 due to Zayed's rampant Jew-hatred. Zayed's personal foundation, the Zayed Center, claims that it was Zionists, rather than Nazis, who "were the people who killed the Jews in Europe" during the Holocaust.[38] It has held lectures on the blood libel and conspiracy theories about Jews and America perpetrating Sept. 11.

Another journalist, Rachel Ehrenfeld, in a thorough and devastating article entitled *Carter's Arab Financiers*, meticulously catalogues Carter's ties to Arab moneymen, from a Saudi bailout of his peanut farm in 1976, to funding for Carter's presidential library, to continued support for all manner of Carter's post-presidential activities.[39] For instance, it was the Bank of Credit and Commerce International (BCCI), founded in Pakistan and fronted by a Saudi billionaire, Gaith Pharaon, that helped Carter start up his beloved Carter Center. According to Ehrenfeld: "BCCI's origins were primarily ideological. Abedi wanted the bank to reflect the supra-national Muslim credo and 'the best bridge to help the world of Islam, and the best way to fight the evil influence of the Zionists.'"[40] As Ehrenfeld concluded:

> [I]t seems that AIPAC's real fault was its failure to outdo the Saudi's purchases of the former president's loyalty. 'There has not been any nation in the world that has been more cooperative than Saudi Arabia,' *[T]he New York Times* quoted Mr. Carter June 1977, thus making the Saudis a major factor in U. S. foreign policy. Evidently, the millions in Arab petrodollars feeding Mr. Carter's global endeavors, often in conflict with U.S. government policies, also ensure his loyalty. (Emphasis added).[41]

It is particularly disturbing that a former president who has accepted dirty blood-money from dictators, anti-Semites, Holocaust deniers, and supporters of terrorism should try to deflect attention from his own conflicts of interest by raising the oldest canard in the sordid

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[38] Anti-Defamation League, *ADL Backgrounder: The Zayed Center*, *available at* http://www.adl.org/Anti_semitism/zayed_center.asp.
[39] Rachel Ehrenfeld, Op-Ed., *Carter's Arab Financiers*, WASH. TIMES, Dec. 21, 2006, at A23.
[40] *Id.*
[41] *Id.*

history of anti-Semitism: namely, that Jews have dual loyalty and use their money improperly to influence the country they live in, in favor of the country to which they owe their real allegiance. Abraham Foxman responded to Carter's canard as follows: "[a]s disturbing as Carter's simplistic approach is, however, even more disturbing is his picking up on the Mearsheimer-Walt theme of Jewish control of American policy, though in much more abbreviated form and not being the focus of his work."[42] Referring to U.S. policy and the "condoning" of Israel's actions, Carter says:

> [t]here are constant and vehement political and media debates in Israel concerning its policies in the West Bank but because of powerful political, economic, and religious forces in the U.S., Israeli government decisions are rarely questioned or condemned, voices from Jerusalem dominate our media, and most American citizens are unaware of circumstances in the occupied territories.[43]

In other words, the old canard and conspiracy theory of Jewish control of the media, Congress, and the U.S. government is rearing its ugly head in the person of a former President.

As noted above, the most perverse aspect of Carter's foray into bigotry is that, as he pours this old wine into new bottles, he is himself awash in Arab money. When a politician levels these kinds of cynical accusations against others, it would seem incumbent on him to show that his own hands are clean and his own pockets empty.

The effect of these enormous Arab donations on the Carter Center's politics is clear. Despite the Saudi government's myriad human rights abuses, the Carter Center's human rights program has no activity whatsoever in Saudi Arabia. The Saudis have apparently bought his silence for a steep price. The bought quality of the Center's activities becomes even more clear, however, when reviewing the Center's human rights activities in other countries; there are essentially no human rights activities in China or in North Korea, or in Iran, Iraq, the Sudan, or Syria, but there is considerable activity regarding Israel and its alleged abuses, according to the Center's website. Carter's few paltry statements condemning the massive Darfur genocide, institutionalized rape, and dis-

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[42] Abraham H. Foxman, *Judging a Book by Its Cover and Its Content* (Nov. 13, 2006) (book review), *available at* http://www.adl.org/israel/carter_book_review. asp.

[43] Carter, *supra* note 1, at 209.

placement of the indigenous population by outside settlers pale by comparison to his virulent condemnation of Israel's self-defense efforts. This is because so many Arab states, along with China, actively support those committing the genocide in Darfur. In a visit to the Sudan in early October of 2007, Carter went out of his way to deny that there is a genocide going on in Darfur: "I don't think it qualifies to be called genocide." He then continued to make a rather technical point: "If you read the law textbooks . . . you'll see very clearly that it's not genocide and to call it genocide falsely just to exaggerate a horrible situation—I don't think it helps."[44] One has to wonder why Carter did not consult "the law textbooks" when he misused the word "apartheid." Why is he more concerned about the sensibilities of the Arab tyrants in charge of murdering and raping thousands of Africans in Darfur than he is about the sensitivities of Israelis seeking to defend themselves against terrorist attacks? In any event, as Eric Reeves convincingly demonstrated in *The New Republic* article entitled "Jimmy Carter's Shamefully Ignorant Statement on Darfur," what is occurring in the Sudan certainly does constitute genocide, as a matter of both law and common usage.

Reeves also astutely posits that Carter's *apologia* is "[n]o doubt . . . the quid in some ghastly quid pro quo he hopes to arrange with Sudanese President Omar al-Bashir." Given Carter's record of fraternizing with cruel dictators, this would come as no surprise. But it's al-Bashir's uniquely vile history of anti-Israeli invective—some of which would make even Carter's pal Arafat blush—that really places Carter's intentions in doubt. Al-Bashir—who fought alongside the Egyptians against Israel in the 1973 Arab-Israeli war—places the blame for reports of genocide in Darfur squarely at the feet of Israel. "'You cannot rule out the Israeli role in any problem that any Arab country is facing because the security of Israel is based on weakening Arab states,'" he said in an interview in 2006, attributing charges of genocide to an "Israeli-led worldwide conspiracy . . . to divert attention from the conflicts in Iraq, Afghanistan and the Palestinian territories."[45] "'Israel would do everything through their media and their different mechanisms,'" he said, "'—you can't deny they have such influence in circles all over the world

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[44] Eric Reeves, *Jimmy Carter's Shamefully Ignorant Statement on Darfur*, THE NEW REPUBLIC, Nov. 8, 2007.

[45] David Byers, *Sudan's President Against Israel*, THE JERUSALEM POST, Nov. 28, 2006.

so they can do what they want.'"[46] Earlier in 2006, he said that "'[i]f we return to the last demonstrations [against the violence in Darfur] in the United States, and the groups that organized the demonstrations, we find that they are all Jewish organizations.'"[47] Given Carter's statements over the past year—some of which plainly echo those of the Sudanese President—one can't help but wonder if Carter sympathizes with al-Bashir and his bigoted, paranoid views.

The Carter Center's mission statement claims that, "[t]he Center is nonpartisan and acts as a neutral party in dispute resolution activities."[48] How can that be, given that its coffers are full of Arab money, and that its focus is away from significant Arab abuses and on Israel's far less serious ones?

But Carter may not have needed buying off; he may already have been willing to commit to anti-Israel views. *The Economist* speculated that Carter felt he'd been "had" by Israel at Camp David.[49] In addition, Carter may have been acting out of a long-standing prejudice favoring a soft approach to terror groups and dictators. Even Joseph Lelyveld, who backed the general thrust of Carter's Israel-apartheid analogy, commented on his lack of equal empathy for suicide bombers and their victims: "Carter condemns the dispatching of suicide bombers into crowds of Jewish civilians but does so coolly, tersely, almost clinically, stressing that such attacks are counterproductive, without conveying the kind of visceral horror that the phenomenon arouses among Israel's supporters and many others as well. He's capable of such feelings when he turns to the settlements."[50] In an interview on Al-Jazeera television about his book, Carter specifically refused to include rocket attacks that target Israeli children, women and other civilians as "terrorism": "I don't really consider . . . I wasn't equating the Palestinian missiles with terrorism."[51] Moreover, he refused even to condemn *on moral grounds*

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[46] Byers, *supra* note 45.

[47] Hilary Leila Krieger and Amir Mizroch, *Sudanese Leader Blasts Jewish Groups*, THE JERUSALEM POST, June 21, 2006.

[48] The Carter Center, *Mission Statement*, http://www.cartercenter.org/about/index.html (last visited Sept. 18, 2007).

[49] ECONOMIST, *supra* note 12.

[50] Lelyveld, *supra* note 13.

[51] Interview by Al Jazeera with Jimmy Carter, 39th President of the U.S. (Jan. 14, 2007) (Al Jazeera Network television broadcast *available at* http://www.

suicide bombings on public buses packed with women and children, limiting himself to criticizing these on tactical and public relations grounds. He also suggested a moral equivalence between the *deliberate* targeting of Israeli children by terrorists and the *accidental* killing of children (some of whom are 17-year-old terrorists) by the Israeli Defense Force in their legitimate efforts to stop terrorism.[52]

Carter's strange deference to men of violence has appeared in other conflicts, as well. Carter inserted himself into the North Korean crisis in the mid-1990s, expressing sympathy for Kim Jong-Il's regime and pressuring the U.S. to accede to a deal that made sanctions impossible and merely ensured that the problem would recur several years later.[53] And inevitably, a leader who makes unfounded accusations invites close scrutiny of his own human rights record. And as President, Carter often failed to live up to the human rights standards by which he purports to judge Israel (and only Israel) today. For example, President Carter recognized the Khmer Rouge as the legitimate government of Cambodia after it had been deposed in 1979 and after Pol Pot had killed millions of his own countrymen.[54] In 1977, President Carter authorized a massive increase in military aid to Indonesia, including aircraft, barely two years after Indonesia invaded East Timor.[55] Amnesty International reports that "200,000 people, one third of the population, were killed or died of starvation or disease . . ." in East Timor in the years after the invasion.[56] In 1979, reversing its previous policy, the Carter administration began expanding military aid and allowing greater arms sales to Morocco, allowing Morocco to tighten its hold on Western Sahara, which it had annexed in 1975 and which it still occupies to this day.[57]

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memritv.org/clip/en/1355.htm) (Note that the MEMRI translation omits the word "really," which can be dimly heard beneath the Arabic voice-over).

[52] *Id.*

[53] Muravchik, *supra* note 16, at 21, 22, 23.

[54] PBS.org, *Pol Pot's Shadow: Chronicle of Survival*, *available at* http://www.pbs.org/frontlineworld/stories/cambodia/tl04.html.

[55] Press Release, East Timor Action Network, Timorese Protest at July 4 Party at U.S. Mission (July 4, 2000), *available at* http://www.scoop.co.nz/stories/WO0007/S00012.htm.

[56] AMNESTY INTERNATIONAL, POWER AND IMPUNITY: HUMAN RIGHTS UNDER THE NEW ORDER (1994), *available at* http://www.amnesty.org/ailib/intcam/indopub/indoint.htm.

[57] Martha Wenger, *Reagan Stakes Morocco in Sahara Struggle*, MIDDLE EAST REP., May 1982, at 24.

And it was President Carter who used Saudi Arabia to help arm the mujahideen in Afghanistan, many of whom later formed the core of the Taliban and Al-Qaeda: "We channeled assistance for those freedom fighters through Saudi Arabia, through Egypt and other places," he recently admitted.[58]

It may be that Carter's supposed commitment to human rights has always been opportunistic: as one writer notes: "Carter was also initially cold to the subject of human rights. His 1975 book, *Why Not the Best?*, issued as a launching pad for his presidential campaign, makes no mention of it. Nor did he utter a word about human rights during the 1976 primaries. It was only in the course of hammering out the Democratic Party's platform that his interest was kindled."[59]

Vanity may play a large role in motivating Carter's stance. Again, Lelyveld notes that Carter inserts himself constantly into his narrative: "the man's ego is full of vigor," he concludes.[60] It is plain that Carter still deeply resents his loss to Ronald Reagan in 1980, and may view his post-presidential diplomatic efforts as a way to vindicate himself.

Carter seems determined to live down the humiliation of the Iran hostage crisis—which he blames, with some justification, for costing him the Presidency—and to play up the success of the Camp David accords between Israel and Egypt. He has attempted to do this, however, by suggesting that if he had won a second term, the Israeli-Palestinian conflict would have been settled more than two decades ago. "Had I been elected to a second term," he told the *New York Times* in 2003, "with the prestige and authority and influence and reputation I had in the region, we could have moved to a final solution."[61] (A poor choice of words if there ever was one.) This extraordinary boast is not only counterfactual but completely ignores the role of Palestinian terror.

Carter also blames every American administration but his own for the Middle East stalemate with particular emphasis on "a submissive White House and U.S. Congress in recent years."[62] He employs hyper-

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[58] Jimmy Carter, 39th President of the U.S., Inaugural Oksenberg Lecture at Stanford University: The United States and China: A President's Perspective (May 6, 2002) (transcript *available at* www.cartercenter.org/documents/ 1041.doc).

[59] Muravchik, *supra* note 16, at 17.

[60] Lelyveld, *supra* note 13.

[61] Elaine Sciolino, *Self-Appointed Israeli and Palestinian Negotiators Offer a Plan for Middle East Peace*, N.Y. TIMES, Dec. 2, 2003, at A8.

[62] Carter, *supra* note 1, at 209.

bole and overstatement when he says that "dialogue on controversial issues is a privilege to be extended only as a reward for subservient behavior and withheld from those who reject U.S. demands."[63] He confuses terrorist states, such as Iran and Syria, to which we do not extend dialogue, with states with whom we strongly disagree, such as France and China, but with whom we have constant dialogue.

There are also other personal motivations at stake, notably Carter's religious convictions, which have led him to the bizarre conclusion that Israel is suffering today because of its secular nature and because, in his view, it has strayed from the path set out by the Bible. If anything, religion is a highly aggravating factor in the conflict. But Carter persists in this line of argument—which he has long pursued—connecting his messianic Christianity with a conviction that it is his personal mission to bring peace to the land of Jesus and Abraham. In a sense, what Carter's book is about is not the Middle East at all, but a struggle within American Christianity over the political legacy of the evangelical tradition. Against the more mainstream, conservative Christian consensus supporting a tough-minded loyalty to Israel, Carter wants to assert a hard-left alternative. Perhaps that accounts for the zeal with which he has resolutely clung to some of his charges against Israel, even when they have been shown to have no rational foundation.

And it's not just the facts; it's the tone as well. It's obvious that Carter just doesn't like Israel or Israelis. He lectured Golda Meir on Israeli's "secular" nature, warning her that "Israel was punished whenever its leaders turned away from devout worship of God."[64] He admits that he did not like Menachem Begin. He has little good to say about any Israelis—except those few who agree with him. But he apparently got along swimmingly with the very secular Syrian mass-murderer Hafez al-Assad. Mr. Carter and his wife Rosalynn also had a fine time with the equally secular Arafat—a man who has the blood of hundreds of Americans and Israelis on his hands:

> Rosalynn and I met with Yasir Arafat in Gaza City, where he was staying with his wife, Suha, and their little daughter. The baby, dressed in a beautiful pink suit, came readily to sit on my lap, where I practiced the same wiles that had been successful with our children and

[63] Carter, *supra* note 1, at 203.
[64] Carter, *supra* note 1, at 32.

> grandchildren. A lot of photographs were taken, and then the photographers asked that Arafat hold his daughter for a while. When he took her, the child screamed loudly and reached out her hands to me, bringing jovial admonitions to the presidential candidate to stay at home enough to become acquainted with is own child.[65]

There is something quite disturbing about these pictures, as there is about comments he reportedly made about Jews earlier in his career. According to journalists Andrew and Leslie Cockburn—who are no friends of Israel and generally support Carter's critical views toward the Jewish state—when told that the Israeli prime minister was secretly advising Carter's political opponents, Carter declared: "If I get back in . . . I'm going to fuck the Jews."[66] Years earlier, when running in the Democratic primaries for his first term, he dismissed the Jewish vote out of hand, saying, "[Senator Henry] Jackson has all the Jews anyway. We get the Christians."[67] Douglas Brinkley quotes Carter telling Arafat that the plight of the Palestinians is his "'obsession,'" and describes Carter and Arafat's mutual understanding as a "shared belief that they were both ordained to be peacemakers by God."[68] And he quotes the speech that Carter wrote for Arafat, where Carter describes the "excessively patient suffering of the Palestinians"—thus implicitly suggesting that they might properly resort to alternatives to *excessive* patience.[69]

He was not quite truthful when he told the Brandeis audience that "this is the first time that I've ever been called…an anti-Semite."[70] This charge, whether true or false—or somewhere in between—has dogged him throughout his career, and he has been acutely aware of it.

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[65] Carter, *supra* note 1, at 143.

[66] ANDREW AND LESLIE COCKBURN, DANGEROUS LIAISON: THE INSIDE STORY OF THE U.S.–ISRAELI COVERT RELATIONSHIP 313 (HarperCollins 1991) (quoting Carter).

[67] Jason Maoz, *Jimmy Carter's Jewish Problem*, JEWISHPRESS.COM, November 22, 2006, http://www.jewishpress.com/displayContent_new.cfm?contentid=19957&mode=a&contentname=Media_Monitor&recnum=3&sectionid=14, (quoting Bob Shrum).

[68] DOUGLAS BRINKLEY, THE UNFINISHED PRESIDENCY: JIMMY CARTER'S JOURNEY BEYOND THE WHITE HOUSE 328, 345 (Viking Press, 1998).

[69] Brinkley, *supra* note 68, at 331.

[70] Carter, *supra* note 14.

Carter has refused any serious debate of his book. In the beginning, he claimed that he had chosen to write the book and give it its "deliberately provocative" title because "there needs to be a debate about it. I don't really care how intense the debate gets. There just needs to be an assessment of what is there now."[71] What he meant, of course, was that he wanted a debate that he could win—not a real contest of ideas, based on the facts. Carter has avoided ever taking up his own challenge, and has refused to debate me or anyone else who would pose serious questions about his misuse of the historical record or his totally inappropriate comparison of democratic Israel to racist, apartheid South Africa.

Worse, Carter has lied about invitations to debate. At George Washington University, he categorically denied that he had received any invitation to debate me about his book. He said that he had "never received any invitation to debate, contrary to what a Harvard professor has said."[72] Yet just a few weeks earlier at Brandeis, he said: "[b]ut let the debate take place, and I've never responded to any of the people that have made their attacks on me. I understand there is a Harvard professor that has done so. I turned down a meeting with him; I felt, I didn't think that Brandeis needed a Harvard professor to come here and tell you how to ask questions."[73] *The Boston Globe* reported what Carter had personally said to them: "Last month, the former president told the *Globe* he had declined an invitation from a university trustee to speak at Brandeis, because it came with the suggestion he debate Alan Dershowitz, a professor at Harvard Law School who has criticized Carter's book, 'Palestine: Peace Not Apartheid.'"[74] The fact is that, in addition to the Brandeis proposal for a debate, I repeatedly invited him to debate in print, on television, on radio and through intermediaries. He knew that, as evidenced by his acknowledgment at Brandeis and elsewhere. There is no way around the fact that Carter lied. Had he made the statement he made at George Washington in a courtroom under oath, he would have committed perjury.

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[71] *Current Thinking: A Conversation with Jimmy Carter*, TIKKUN, Jan./Feb. 2007, at 7 (quoting Carter).

[72] Jennifer Hoar, *Carter: "Apartheid" is Apt for the West Bank*, CBS NEWS, Mar. 8, 2007, http://www.cbsnews.com/stories/2007/03/08/politics/printable2550072.shtml.

[73] Carter, *supra* note 14 (Carter's remarks).

[74] David Abel, *Carter Agrees to Speak at Brandeis*, BOSTON GLOBE, Jan. 11 2007, at B1.

At the Brandeis event, the group of dissident professors that eventually invited Carter to speak once he had turned down the university's debate invitation acceded to his request that he not share the stage with me at all. In addition, all questions to Carter were screened in advance; there would be no questions from the floor. Though the panel of professors selected a fair sample of questions from across the spectrum of opinion, students were instructed beforehand that they were not to deviate even one single word from their approved texts. In effect, Carter had not just refused to debate me; he had refused to debate anyone at all.

Carter's book has had no positive effect on the peace process. Israelis, for their part, have largely ignored Carter's one-sided critique. Indeed, Carter's attack on Israel invites questions about his own role in the Israeli-Palestinian negotiations. Why won't Jimmy Carter answer the series of questions that I and many students have put directly to him:

> -Was Carter asked his advice by Yassar Arafat, or anyone else in the Palestinian Authority regarding whether to accept or reject the offer of Palestinian statehood proposed by President Clinton and Israeli Prime Minister Ehud Barak at Camp David and/or Taba?
>
> -If not, did Carter offer any advice on this or related issues or express any views about the matter before the end of January 2001?
>
> -If he gave any such advice, what exactly was it?
>
> -Did he say before or at the time of these negotiations what we know he said thereafter, namely that "there was no possibility that any Palestinian leader could accept such terms and survive"? (What does this say about Carter's views of the Palestinian people?)

The circumstantial case that Carter in fact gave such advice to Arafat is quite compelling. We know from Carter's biographer Douglas Brinkley, that Arafat did seek Carter's advice about how to improve the image of the P.L.O. in America. We know that Carter actually drafted some statements for Arafat. We also know that Carter offered advice to other dictators and enemies of the U.S. and that he did not hesitate to undercut other American foreign policy initiatives in North Korea, Cuba, Syria and other trouble spots in the world.

We know that Carter believed that Arafat should not accept the offers of statehood made at Camp David and/or Taba.

There are, therefore, three alternative possible scenarios. One, Carter gave Arafat the advice he believed, namely that if he accepted the offer of statehood, he would not survive. Two, Carter gave Arafat advice he did not believe, namely that he should accept the offer even though Carter felt Arafat could not survive such acceptance. Three, he gave his friend Yassar Arafat no advice about the most important offer of Arafat's life, one that if he turned down would likely make him a pariah among the very Americans whose support Carter was helping him garner.

It seems extremely likely therefore that Carter would have communicated his views to his friend Arafat at the crucial period of time, especially since he believed that if Arafat accepted these offers he would have been assassinated. How could Carter not caution his friend about these fears? How would he have felt if Arafat had accepted the offer and then been assassinated? It is possible, of course, that he did not; that he kept his views to himself, though I find that extremely unlikely.

Carter can answer this important question by simply telling the truth, and producing the relevant documentation and support. During his appearance at Brandeis he invited students to email him questions that he could not answer during the highly structured question and answer period. During my talk, I urged students to ask him these questions. He promised that he would answer all questions. He has not, to my knowledge, answered these. Carter's silence in the face of this circumstantial evidence is quite compelling.

If Carter in fact advised Arafat against accepting statehood, I can certainly understand why he would be reluctant to admit it. Even Prince Bandar has said that Arafat's decision to reject the offer, without even a counter offer, was a crime against the Palestinian people and against all Arabs in the region. If Carter had strongly advised his friend to accept the offer and Arafat had listened, there would have been no intifada, no four thousand needless deaths, no security barriers, no checkpoints and nothing that Carter could falsely call apartheid. There would instead be a Palestinian state on ninety-seven percent of the previously occupied territory, with its capital in Jerusalem and a thirty-five billion dollar Marshall Plan.

As for the United States, Carter's book failed to affect American policy towards Israel in the slightest. The Democratic Party distanced itself from his views, while leading political candidates from both parties

affirmed their strong support of Israel. There is now an effort by some leading Democrats to make certain that Carter is not invited to speak at their 2008 presidential convention. The U.S. government held fast to its rejection of the Hamas government and its agenda of rejection and terror—as did much of the rest of the international community. Carter's book may have sparked debates among left-wing haters of Israel and right-wing bigots, but it failed to dent support for Israel among the American people. Indeed, opinion polls in May 2007 suggested that American popular support for Israel had reached its highest level ever, while support for the Palestinians had hit historic lows.[75] Many Palestinians must be saying to themselves, "with friends like Carter, who needs enemies?"

What Carter did achieve, however, was to legitimize the opinions of a hitherto marginal fringe that was not only justifiably opposed to Israel's occupation of the West Bank but condemnably opposed to Israel's existence and the two-state solution. Carter claimed that his analogy to apartheid was not intended to describe Israel itself, but merely its policies in the occupied territories. Few of those seeking to make use of his book have bothered with such fine distinctions. They have seen the title as an endorsement of the claim that Israel is an apartheid state and that it should, like apartheid South Africa, be isolated and ultimately dismantled. That is why groups such as the radical Council on American-Islamic Relations (CAIR), which has been linked to terror groups,[76] sent copies of Carter's book to public libraries around the country.[77] Similar groups around the world now cite Carter's book in order to oppose the two-state solution and the Israeli-Palestinian peace process in favor of the destruction of Israel. As the hail of Qassam rockets continues to fall on Israeli civilian towns—rockets that Carter does not consider

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[75] Jewish Telegraph Agency, *Poll Finds US Support for Israel Soaring*, JERUSALEM POST, May 7, 2007, http://www.jpost.com/servlet/Satellite?cid=1178431587241&pagename=JPost%2FJPArticle%2FShowFull.

[76] Money Laundering and Terror Financing Issues in the Middle East: Testimony of Steven Emerson before the U.S. S. Comm. of Banking, Housing and Urban Affairs, 109th Cong. 9 (2005) (statement of Steven Emerson, Exec. Dir. of The Investigative Project on Terrorism), *available at* http://banking.senate.gov/_files/emerson.pdf.

[77] *CAIR Promoting Carter's Book in US Libraries*, LITTLE GREEN FOOTBALLS, Mar. 5, 2007, http://littlegreenfootballs.com/weblog/?entry=24711_CAIR_Promoting_Carters_Book_in_US_Libraries&only.

terrorist—the fires of hatred and fear have been stoked again in the Middle East. By bending to such extremism, and encouraging its purveyors to continue to blame Israel, Carter may have, in a significant way, helped prolong the conflict instead of helping to resolve it. That is a terrible legacy for one who claims to be a man of peace.