

## [Biden Has Had the Power to Stop Israel's War Crimes in Gaza Since Day 1](#)

*Netanyahu's decision to allow aid through the Erez crossing under US pressure shows how much more Biden could be doing.*

For the first time since Israel launched its devastating offensive on Gaza six months ago, President Joe Biden appears to have convinced right-wing Israeli Prime Minister Benjamin Netanyahu to change policy. The Israeli government's decision to [open up the Erez crossing](#) to allow more relief supplies came after [a phone call](#) between the two on Thursday, in which for the first time Biden appeared to threaten some kind of specific action if Israel did not abide by a U.S. request.

This comes following Israel's killing of seven humanitarian workers with World Central

Kitchen, including a U.S. citizen, with growing evidence that [the attack may have been deliberate](#).

This raises the question as to why the United States hasn't taken such firm action sooner and why Biden is still unwilling to force Israel to agree to a ceasefire. Despite efforts by the Biden administration and its supporters to give the impression that the United States is powerless to bring an end to the war, history shows otherwise.

In reality the Biden administration has the power to stop Israel's offensive in Gaza in its tracks. Though Congress authorizes military aid, the president has the authority under the [Arms Export Control Act](#) to withhold (or threaten to withhold) U.S. military aid when the recipient nation violates U.S. or international law. In terms of the international legal system, Israel is currently violating the [Fourth Geneva Convention](#) regarding the treatment of civilians in war time, among a number of other statutes, and it is violating [UN Security Council Resolution 2728](#), which demands an immediate temporary ceasefire. Israel is also in violation of Section 502B(c) of the [1961 Foreign Assistance Act](#), which prohibits aid to countries that prevent access to humanitarian relief supplies; the 1999 [Leahy Amendment](#), which prohibits funding foreign security forces engaged in the commission of gross violations of human rights; and Biden's own [National Security Memorandum 20](#), which requires U.S. security partners to provide written assurances that they will use U.S. military assistance in accordance with international law and facilitate humanitarian aid.



Palestinians walk amid the destruction in the vicinity of al-Shifa Hospital, following a two-week military operation by the Israeli army in Gaza City, on April 2, 2024.

OMAR ISHAQ / PICTURE ALLIANCE VIA GETTY IMAGES

Instead, Biden has utilized [emergency powers](#) to bypass public and congressional oversight in providing Israeli Prime Minister Benjamin Netanyahu arms from U.S. stockpiles overseas, including Hellfire missiles and bunker-busting bombs which have had a devastating impact on Gaza's civilian population. At the end of March, his administration approved [billions of dollars' worth](#) of additional bombs and fighter jets to Netanyahu's forces.

Polls show a majority of Americans, including a vast majority of Democrats, support [withholding military aid to Israel](#). Pressuring Israel through suspending military aid would not have to be a political decision that could leave Biden open to charges from Republicans that he was somehow abandoning Israel. He could simply point out, correctly, that he has no choice but to follow the law.

Though Biden has refused to use his considerable leverage to stop the bombing, several past presidents have successfully ended Israeli military campaigns by threatening to withhold military aid and other forms of pressure.

## Successful U.S. Pressure Has Halted Military Offensives

In March 1957, following Israel's first invasion of the Gaza Strip and Egypt's Sinai Peninsula four months earlier, President Dwight D. Eisenhower exerted heavy diplomatic pressure on the Israeli government and threatened economic sanctions, including eliminating tax-exempt status for the Jewish National Fund, which played a critical role in land acquisition in Israel's early years. (The United States was not providing Israel with military aid at that point.) Addressing the American public, [Eisenhower stated](#), "If we agreed that armed attack can properly achieve the purposes of the assailant, then I fear we will have turned back the clock of international order." [He added](#), "Should a nation which attacks and occupies foreign territory in the face of United Nations disapproval be allowed to impose conditions on its own withdrawal?" His answer was no, and Israel was forced to withdraw within weeks.

Despite efforts by the Biden administration and its supporters to give the impression that the United States is powerless to bring an end to the war, history shows otherwise.

During the 1973 Arab-Israeli War, the [Nixon administration](#), by refusing a requested full-scale resupply of arms to Israel, convinced Israeli leadership to accept a ceasefire in order to reduce the risks of a more direct U.S. confrontation with the Soviets, who were backing Egypt. [President Richard Nixon said](#), in reference to the Israeli government, "We've got to squeeze them goddamn hard."

During Israel's invasion of Lebanon in 1982, as the devastating Israeli shelling of civilian neighbors in Beirut escalated, President Ronald Reagan decided to act. According to his Deputy Chief of Staff [Michael Deaver](#),

He told the prime minister, in very frank terms, that the shelling had to stop and that Israel was in danger of losing the moral support of the American people. Reagan listened for a moment, before ending the conversation by saying, "It's gone too far. You must stop it." Twenty minutes later ... [then-Prime Minister Menachem] Begin called back to say that he'd ordered [Defense Minister Ariel] Sharon to stop the bombings."

And, seven months later, [Reagan](#) held back on delivering 75 F-16 jet fighters until Israel withdrew its forces from almost all of Lebanon. Unlike Biden, he recognized his legal obligation to do so, noting that, "We are forbidden by law to release those planes."

The Obama administration also successfully pressured Israel to halt its military offensives on Gaza in [2012](#) and [2014](#). With an absence of public records at this point, which will remain classified for at least another couple of

decades, it is unclear whether this pressure included threats to withhold some U.S. military aid, but President Barack Obama's actions did end up halting those offensives sooner than Israel wanted. What is known is that [Obama took steps](#) to tighten its control on arms exports to Israel and very likely threatened tougher measures as well.

Perhaps the best parallel to the current war was the Carter administration's response to Israel's first invasion of Lebanon in 1978. Like today, the heavy bombing and ground invasion took place following a devastating terrorist attack. Israeli troops marched across the border as far north as the Litani River and appeared to be considering a further advance or at least maintaining a long-term occupation. President Jimmy Carter sent [a telegram](#) to the Israeli prime minister saying that "current Israeli military actions in Lebanon are a violation of our agreements covering the provision of American military equipment and that, as a consequence, if these actions are not immediately halted, Congress will have to be informed of this fact, and that further deliveries will have to be terminated."

Unlike Biden, Carter recognized that legally he had no choice but to invoke the law. [U.S. Ambassador to Israel](#) Samuel Lewis told the Israeli prime minister that "the longer Israeli forces are in Lebanon, the more difficult it becomes for the President to handle this point, on which he is bound by very specific legislation." At the end of the meeting, according to the [ambassador's telegram](#) to National Security Advisor Zbigniew Brzezinski, "I left a very sober Prime Minister who is clearly disturbed over the implications for U.S.-Israeli relations of events of the past week. Consequently, I am optimistic that we are within hours of a GOI [Government of Israel] decision leading to a unilateral Israeli withdrawal."

Though Israel continued to maintain control of a six-mile buffer zone just north of its border through a proxy right-wing Lebanese militia, Carter's threat to suspend aid forced Israel to withdraw from almost all conquered Lebanese territory.

## Denying the Facts

The only way that the Biden administration has been able to ignore its legal obligation to withhold arms transfers to Israel is by claiming that, despite overwhelming evidence to the contrary, Israel is not violating U.S. or international law.

For example, on March 25, Biden State Department spokesperson [Matthew Miller](#) said, "We have not found [Israel] to be in violation of international humanitarian law, either when it comes to the conduct of the war or when it comes to the provision of humanitarian assistance." Previously, U.S. Ambassador [Jack Lew](#) made similarly [ludicrous claims](#).

Regarding Israel's ongoing violation of the UN ceasefire resolution, White House spokesperson [John Kirby](#) claimed, "It's a non-binding resolution, so there's no impact at all on Israel's ability to continue to go after Hamas." That is completely false, however. According to Article 25 of the [UN Charter](#), Security Council resolutions are [indeed binding](#), particularly when the language of the resolution includes the word "demands" in reference to a ceasefire. The problem is that they are not enforceable unless enacted under Chapter VII of the UN Charter, which the United States has refused to allow.

When Iraq under Saddam Hussein's regime violated UN Security Council resolutions, Biden insisted the United States had no choice but to go to war to stop it. UN Security Council resolutions must be enforced, he argued, to uphold the rules-based international legal order. When Israel violates UN Security Council resolutions, however, Biden insists the United States must still provide its ally with billions of dollars' worth of additional arms that helps Israel continue its genocide. There are reports that most career [State Department officials](#)

familiar with what is happening in Gaza recognize that Israel's actions are indeed violating U.S. law. There is also resistance on Capitol Hill, where [Sen. Chris Van Hollen](#) and others have expressed doubts that Israel is complying with National Security Memorandum 20 and Section 620 of the Foreign Assistance Act. However, both Republican and Democratic leaders are preventing Congress from passing legislation that would force the Biden administration into compliance.

This situation is remarkably similar to what occurred in the 1980s in light of congressional mandates to condition military aid to the right-wing military-dominated junta in El Salvador. The Reagan administration repeatedly claimed that the human rights situation was improving despite considerable evidence to the contrary.

Today, as then, Congress is refusing to force the administration to abide by the law, thereby allowing the president to continue to provide its far right ally with weapons and doing nothing to stop the killing. Meanwhile, Biden and his supporters can perpetuate the myth that he is doing everything in his power to constrain Netanyahu. Despite the apparently successful efforts to allow more humanitarian aid into the Gaza Strip, the Biden administration [approved the transfers](#) of thousands of more bombs to Netanyahu's forces just hours after the Israeli attacks on the World Central Kitchen staffers.

It is unclear why Biden has refused to follow the precedent of previous administrations in pressuring Israel to end its military offensive other than what appears to be a long-standing rigid ideological commitment to the Israeli state that he has held throughout his long political career. This refusal has fueled the current genocide, which has become a terrible historical legacy of his presidency.



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## **[Biden Approved Bomb Sale to Israeli Military on Same Day It Killed Aid Workers](#)**

The sale approval came just after Israeli forces finished their total destruction of Al-Shifa Hospital.