



Dear Senator,

On behalf of the American Muslims for Palestine, I'm writing to express concern over Senate Resolution 176, which commemorates the 50th anniversary of what it describes as the "reunification of Jerusalem." In addition to negating any Palestinian right to self-determination, the resolution also contradicts one of its stated purposes to reaffirm the "longstanding, bipartisan policy of the United States Government that the permanent status of Jerusalem remains a matter to be decided between the parties through final status negotiations towards a two-state solution."

By stating "Jerusalem should remain the undivided capital of Israel," this resolution ignores the fact that neither the international community nor the Palestinians recognize this claim, which also contravenes international law and resolutions.

The American Muslims for Palestine ask you to not sponsor this resolution and to vote against it, if it comes to a vote.

By declaring Jerusalem the capital of Israel, this resolution violates UN Security Council Resolution 2334, which defines everything over the 1949 armistice line as "the Palestinian Territory occupied since 1967, including East Jerusalem."

Contrary to what it claims, S. Res. 176 attempts to prejudice the outcome of any bilateral negotiations between the Palestinians and Israel by excluding East Jerusalem from the internationally recognized legal definition for "occupied territories," or "disputed territories" in relation to the West Bank, the Gaza Strip, and East Jerusalem. Such a resolution would serve as a catalyst for an already inflamed situation in the region, weaken the United States' leadership position globally, undermine our global credibility, and threaten our national security.

In 1967, Israel occupied The West Bank, Gaza, East Jerusalem, the Golan Heights, and the Sinai Peninsula. Since then, it has used the occupation in the Palestinian territories to further expand its borders, restrict the religious freedoms of the non-Jewish population, and to distort the Palestinian narrative.

Neither the United States nor the international community accept the outcome of the 1967 war, which resulted in the Israeli occupation of the West Bank, Gaza, and East Jerusalem. Countless resolutions by the United Nations Security Council, including Resolution 242 and 2334, recognize Israel's occupation as illegal. U.S. policy views East Jerusalem as disputed territory, whose final status should be determined through negotiations between the Palestinians and the

Israelis. International law and the international community consider Jerusalem occupied territory and see it as the future capital of a Palestinian state.

Regardless of intent, this resolution is also filled with glaring misrepresentations and falsehoods.

1. The resolution cites the continuous Jewish presence in Jerusalem for 3,000 years.
 - This fails to acknowledge hard historical and scriptural facts that other communities have lived in Jerusalem also, well before the advent of Judaism.
2. The resolution claims that from 1948 until 1967, Israeli citizens of all faiths and Jews of all nationalities were denied access to holy sites in East Jerusalem.
 - This conveniently ignores the fact religious rights were guaranteed to people of all faiths and all nationalities until the Zionist militias that preceded the creation of the state of Israel, exceeded the scope of the UN partition plan (UN Resolution 181) by attacking Arab forces stationed within the territory determined for them by the UN resolution, and by implementing “Plan Dalet” with the overt and explicit objective of seizing as much territory as possible and ethnically cleansing the indigenous Palestinian population.
3. The resolution claims that “since 1967, [...] persons of all religious faiths have access to holy sites within the city” and that “the rights of every ethnic and religious group are protected”
 - This is blatantly false.
 - According to the United States Department of State’s International Religious Freedom Report¹, all officially designated holy sites in Israel are Jewish with none designated to Christian or Muslims. This leaves many Muslim and Christian sites neglected, inaccessible, or threatened by property development.
 - The Israeli police frequently issue restrictions on movement and audible worship and impede access to holy sites for Muslims and Christians, including Al-Aqsa Mosque and the Church of the Holy Sepulchre.
 - The Temple Movement, a loose coalition of several messianic, extremist Jewish groups – backed by Israeli authorities – is intent on seizing control of the Al Aqsa sanctuary for themselves and always provokes tension. Palestinian Christians also are prohibited from accessing their churches in Jerusalem and frequently find themselves targets of settler “price tag” attacks as well.
 - High-ranking Israeli officials have threatened to take Al Aqsa’s sovereignty from the Jordan-based Islamic Trust. Bills circulating in the

¹ <https://www.state.gov/j/drl/rls/irf/2008/108484.htm>

Israeli Knesset and Jerusalem Municipality, if successful, effectively would expel Palestinians from portions of the sanctuary, including a large percentage of Al Aqsa mosque itself. This all leads to a climate of fear and great instability, which could spill over into the larger Muslim world if these measures come to fruition.

- Religious freedom is guaranteed under international law, including the Universal Declaration of Human Rights. It is also enshrined in American law, which obligates recipients of US foreign military financing assistance to protect the freedom of religious worship.
4. The resolution cites the Jerusalem Embassy act of 1995 as stating “that Jerusalem should remain the undivided capital of Israel.”
- Even though Congress passed the bill in 1995 allowing the U.S. embassy to be moved from Tel Aviv to Jerusalem, every president since has signed a waiver every six months prohibiting the action. In fact, the Justice Department’s Office of Legal Counsel holds this law to be unconstitutional². Furthermore, presidents since Bill Clinton have viewed the law as an infringement by Congress on the presidential powers of the executive branch. Moving the embassy to East Jerusalem would inflame tensions in the region and would significantly weaken the U.S.’ standing in the international arena. It would also threaten the United States’ national security.
 - This overlooks the fact that under the US Constitution, the power of recognizing foreign states and capitals lies solely with the president and was affirmed by the U.S. Supreme Court in 2015 in *Zivotofsky v. Kerry*.

The Six Day War and the “reunification” of Jerusalem in 1967 has left millions of Palestinians under permanent military occupation and apartheid policies for 50 years. This resolution celebrates the occupier and the occupation and has no regard for the occupied, nor for international law and international resolutions. In fact, it has no regard for a long-held American policy that has been in place for the past 50 years under administrations from both parties. That is why we call on you to not sponsor this resolution and to actively oppose it.

Thank you for your consideration,
The American Muslims for Palestine

² https://www.justice.gov/sites/default/files/olc/opinions/1995/05/31/op-olc-v019-p0123_0.pdf