

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Eleanor Morton (SBN 220407)
LEONARD CARDER LLP
1999 Harrison Street, Suite 2700
Oakland, CA 94612
(510) 272-0169
Fax: (510) 272-0174
[REDACTED]

Attorney(s) for *Amicus Curiae*
A Jewish Voice for Peace, Inc.

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

DEFENSE FOR CHILDREN
INTERNATIONAL – PALESTINE; AL-
HAQ; AHMED ABU ARTEMA;
MOHAMMED AHMED ABU ROKBEH;
MOHAMMAD HERZALLAH; A.N.;
LAILA ELHADDAD; WAEIL ELBHASSI;
BASIM ELKARRA; and DR. OMAR EL-
NAJJAR

Plaintiffs,

v.

JOSEPH R. BIDEN, JR., *President of the
United States*, ANTONY J. BLINKEN,
Secretary of State, LLOYD JAMES
AUSTIN III, *Secretary of Defense*, in their
official capacities,

Defendants.

Case No.: 23-cv-05829

**PROPOSED BRIEF OF AMICUS
CURIAE A JEWISH VOICE FOR
PEACE, INC. IN SUPPORT OF
PLAINTIFFS’ MOTION FOR
PRELIMINARY INJUNCTION AND IN
OPPOSITION TO DEFENDANTS’
MOTION TO DISMISS**

Hearing: January 26, 2024 at 9:00 a.m.

INTEREST OF AMICUS CURIAE

A Jewish Voice for Peace, Inc. is a national grassroots organization with over 720,000 members and supporters across the United States. We are the largest progressive anti-Zionist Jewish organization in the world and have worked for over 25 years to build a future of collective liberation in which all Palestinians and Israelis can live in justice, equality, and freedom. Accordingly, *Amicus*

1 has a unique perspective and specific information that can assist the Court beyond what the parties
2 can provide. *Amicus* seeks to appear in support of Plaintiffs’ motion for a preliminary injunction and
3 in opposition to Defendants’ motion to dismiss.

4 As a U.S.-based and Jewish organization, we demand the Biden Administration uphold its
5 irrefutable legal responsibility to prevent genocide. Acting in violation of the law can never be a
6 policy choice -- including for the President of the United States. Biden does not have the discretion
7 to decide to support a genocide, and we are appalled that he is doing so with our tax dollars and in
8 our names.

10 **ARGUMENT**

11 For many American Jews - especially those with European ancestry or family members
12 murdered in the Holocaust - the phrase “never again” was a core part of our upbringing. We were
13 taught the dangerously powerful appeal of authoritarian rulers, fascism, and the dehumanization of
14 “the other”. We understand that the lesson of the Holocaust and all other genocides is that all human
15 life is sacred and that we must struggle against all systems of power that say otherwise.

17 The Israeli government’s intentions are public and clear, and to ignore them as the Biden
18 administration has is egregious. Israeli officials have promised to open “the gates of hell” on Gaza.
19 Israeli Defense Minister Yoav Gallant, when announcing the total siege of all 2.3 Palestinians in
20 Gaza that is now killing people of starvation, dehydration, and disease, said the people trapped inside
21 are “human animals”. Israeli Major General Ghassan Alian said “There will be no electricity and
22 water in Gaza, there will only be destruction. You want hell, you will have hell.” Prime Minister
23 Benjamin Netanyahu repeatedly invokes the language of a war of “civilization against barbarism”.
24 Meanwhile, the Biden administration has continued fast-tracking weapons shipments to Israel, even
25 in the face of incontrovertible evidence that these weapons are being used to kill civilians, and has
26 blocked international attempts to push for a ceasefire to end the bloodshed.
27
28

1 Seeing this, A Jewish Voice for Peace members and supporters have thrown every part of
2 ourselves into the struggle against the Israeli government’s current unfolding genocide against
3 Palestinians in Gaza. Not in spite of our Jewishness, *but because of it*. And we submit this brief as
4 Jews, the principal victims of the genocide that prompted the Convention on the Prevention and
5 Punishment of the Crime of Genocide. The complicity of the United States in Israel’s ongoing
6 genocide not only erases the memory of those Jews and others slaughtered during the Holocaust, but
7 makes a mockery of the Convention itself. If the Convention is not invoked to stop a genocide
8 unfolding in front of our eyes on social media and beyond, will it ever be invoked? Or, in the words
9 of one of our Jewish sages, “If not now, when?”
10

11 In response to Israel’s horrifying slaughter of the people of Gaza, an unprecedented number
12 of American Jews are taking action to demand the Biden administration withdraw complicity and
13 support from this unfolding genocide. JVP’s growth speaks to the groundswell of support. We have
14 doubled or more by nearly every measure. We now have over 1.8 million followers on our social
15 media accounts and over 720,000 people who JVP counts as our base. Our local groups, in over 80
16 cities across the country, are working to welcome and mobilize new members constantly — our
17 largest chapters include thousands of active and engaged participants, and many of the smallest
18 groups went from ten to twenty core members to hundreds.
19

20 American Jews have held vigils, sit-ins, marches, rallies, and protests in more than 80 cities.
21 We’ve made over 300,000 calls to members of congress and the Biden administration demanding
22 action. Tens of thousands of Jewish people have been in the streets, and many thousands have taken
23 part in civil disobedience. As just one such example, on the night of Biden’s White House Hanukkah
24 party, eighteen elderly Jewish women chained themselves to the White House gates to demand the
25 president uphold the law and act to prevent the historic atrocities being carried out by the Israeli
26 government.
27
28

1 The Convention on the Prevention and Punishment of the Crime of Genocide was created in
2 the wake of the Nazi Holocaust with the crucial goal of creating international systems to prevent
3 further genocides. And under Article 1 of the Convention, the U.S. and other signatories have a
4 specific duty to prevent and punish acts of genocide, an obligation the U.S. Congress made law in
5 1988 when it ratified the Convention and passed the Genocide Convention Implementation Act. 18
6 U.S.C. § 1091. Considering that the U.S. government also sends the Israeli military over \$3.8 billion
7 in military funding every single year - in spite of growing protest and opposition from Americans
8 including American Jews - that duty is even greater.

9
10 If the Convention on the Prevention and Punishment of the Crime of Genocide does not
11 apply to the protection of all people - in other words, if it is ignored or twisted when it comes to the
12 lives of Palestinians - then it ultimately protects no one. If President Joe Biden, Secretary Antony
13 Blinken, and Secretary Lloyd Austin are not held accountable for their failure to prevent this
14 unfolding genocide and, indeed, their enabling of it, then there is no accountability guaranteed for
15 any future U.S. government officials. We join with the Plaintiffs in urgently calling for an injunction
16 to end U.S. government support for the genocide, including military assistance.

17
18 As Jews - one of the groups of people across the globe who have been the victims of a
19 genocide - the idea that this Convention and the accountability mechanisms it seeks to uphold are in
20 fact meaningless, puts all of us at heightened risk.

21
22 The words of the Israeli government and U.S. government, paired with the total and heart-
23 wrenching destruction that the Israeli government has carried out since October 7 - killing more than
24 20,000 Palestinians approximately half of whom were children - has left us shattered. We at JVP are
25 absolutely clear: the Israeli government is intentionally carrying out an unfolding genocide. And the
26 Biden administration has not only failed in its duty to prevent it, but actively enabled and facilitated
27 it.
28

