

From: Mills, Cheryl D <MillsCD@state.gov>
Sent: Thursday, June 25, 2009 2:11 PM
To: H
Subject: Fw: blog response to Elliott's WSJ article

Fyi below - did not come up at the briefing.

From: Rudman, Mara
To: Mills, Cheryl D; Sullivan, Jacob J
Sent: Thu Jun 25 13:38:19 2009
Subject: FW: blog response to Elliott's WSJ article

Though the top part obviously has stuff that is not relevant, once she gets to substance of the piece, it has a more detailed tit for tat that offers more research than our quick points did this morning...

<http://peacenowconversation.org/?p=219>

The Settlers' Lawyer (or, Elliott Abrams Is At It Again)

June 25, 2009, posted by Lara Friedman

On May 23, 2005, the Washington Post ran a an incisive op-ed by former State Department negotiator and Middle East advisor Aaron Miller, entitled "*Israel's Lawyer*," in which Aaron argued "For far too long, many American officials involved in Arab-Israeli peacemaking, myself included, have acted as Israel's attorney..." I was reminded of that article when I read today's *piece* by Elliott Abrams in the Wall Street Journal, which should, I believe, have been entitled "The West Bank Settlers' Lawyer."

Before anyone accuses me of casting aspersions on Mr. Abrams' honor or motivations, let me be clear: I have no doubt he has taken the case pro bono. For him, advocating for the settlers is clearly a labor of love. And the settlers are fortunate to have Elliott volunteering for the job. He brings a unique combination of expertise and experience, combined, it would seem, with a shameless willingness to cherry-pick the facts and, when the facts don't support his argument, to fall back on the "I was there and I know what happened."

An interesting approach from a man who does not have a spotless record when it comes to truth-telling and foreign policy (for anyone who has forgotten the *history*: "Elliott Abrams — Plead guilty October 7, 1991, to two misdemeanor charges of withholding information from Congress about secret government efforts to support the Nicaraguan contra rebels during a ban on such aid. U.S. District Chief Judge Aubrey E. Robinson, Jr., sentenced Abrams November 15, 1991, to two years probation and 100 hours community service. Abrams was pardoned December 24, 1992.")

But that was a long time ago. Let's forgot the ugly and embarrassing Iran-Contra history and focus on the "facts" in the current case, as Elliott sees them:

In today's WSJ article, Elliott offers an almost completely unverifiable history of what he says transpired between June 2003 and August 2005 (the date of Israel's "disengagement" from Gaza). Predictably, he focuses on the *letter* President Bush gave to Prime Minister Ariel Sharon on April 14, 2004. In that letter, Elliott notes (correctly), Bush wrote: "In light of new realities on the ground, including already existing major Israeli populations centers, it is unrealistic to expect that the outcome of final status negotiations will be a full and complete return to the armistice lines of 1949."

What Elliott neglects to mention is that in the letter Bush also re-stated his commitment to the Roadmap ("the United States remains committed to my vision and to its implementation as described in the roadmap"), which in stage I states that "Consistent with the Mitchell Report, GOI freezes all settlement activity (including natural growth of settlements)."

Elliott then goes on to assert that "On settlements we also agreed on principles that would permit some continuing growth." His evidence of such an agreement? Exhibit A: A statement by Prime Minister Sharon, not President Bush: "Mr. Sharon stated these clearly in a major policy speech in December 2003: 'Israel will meet all its obligations with regard to construction in the settlements. There will be no construction beyond the existing construction line, no expropriation of land for construction, no special economic incentives and no construction of new settlements.'"

Is this extremely experienced lawyer and foreign policy professional seriously arguing that a statement by Sharon should be understood as an accurate articulation of US policy, even in the absence of any corroborating statement by the US President? Even when that lengthy policy speech went into a range of issue where - at least officially - there was public disagreement with the US? (for example, in this same speech Sharon makes clear Israel views the Roadmap commitments as sequential - the Palestinians do everything they have to do, and only then does Israel act.) Apparently so.

But it gets better. For further evidence, Elliott asserts that, really, the US agreed with everything Sharon was saying. His evidence? Exhibit B: A letter from Ariel Sharon's Chief of Staff, Dov Weissglas, Secretary of State Rice.

It is like saying "your honor, I swear my client did not sideswipe that car in the parking lot. I was there and I saw the whole thing. And as proof I give you my statement and a statement from my client and his wife, written to the owner of the damaged car, making clear that they were not the ones who hit his car. I rest my case."

So there are not quotes from President Bush or Secretary Rice to support Elliott's narrative - only statements by Israeli officials.

But Elliot has more proof to bring before the court: media reports. Exhibit #C: Elliott notes that "Stories in the press also made it clear that there were indeed 'agreed principles.' On Aug. 21, 2004 the New York Times reported that 'the Bush administration . . . now supports construction of new apartments in areas already built up in some settlements, as long as the expansion does not extend outward.'"

Interesting. So if the NYT reported it, it must be true, right? Or rather, what must be true is that they were reporting what someone told them, at the time. And according to the first paragraph of the article Elliott cites, the source is: "American and Israeli officials." Who could these officials be? Could they be Abrams himself (who at this point can no longer deny that he is personally invested in such a policy), and maybe Dov Weissglas? There is no way to know, but regardless, this is clearly not definitive proof of anything, other than the fact that there were Israeli and US officials spinning the story this way.

The rest of Elliott's article is simply hearsay and innuendo, speculation, and conjecture - not a single "fact" that can be examined, let alone refuted. Elliott rests his case on statements by two Israeli officials who never hid their desire to do everything possible to keep building West Bank settlements, and press reports based on unnamed US and Israeli officials.

With this kind of evidence, it is hard to see why the jury is still debating this case at all. Clearly the settlers' have a really excellent lawyer.

And since some of us prefer to rely on facts, rather than clever argumentation and bombastic statements, here are some actual statements by President Bush about settlements, from the same period Elliott is addressing:

President Bush 9/21/04: "...Israel should impose a settlement freeze, dismantle unauthorized outposts, end the daily humiliation of the Palestinian people and avoid any actions that prejudice final negotiations..."

President Bush, 11/27/07: "...Israel must demonstrate its support for the creation of a prosperous and successful Palestinian state by removing unauthorized outposts, ending settlement expansion, and finding other ways for the Palestinian Authority to exercise its responsibilities without compromising Israel's security."

President Bush, 1/9/2008: "...The second track is to help both parties deal with road map issues. Settlements is a road map issue..."

President Bush, 1/10/2008: "...Each side has got obligations under the road map. Settlements are clearly stated in the road map obligations for Israel. We have made our concerns about expansion of settlements known, and we expect both parties to honor their obligations under the road map."