



## Statement on the Biden Administration's Complicity in Genocide against Palestinians

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As Israel attacks Rafah, the Gaza city where an estimated 1.3 million Palestinians are seeking refuge, most of them internally displaced, the Lemkin Institute for Genocide Prevention reiterates that the Biden Administration is complicit in genocide and must take immediate steps to prevent further destruction, loss of life, and displacement in Gaza and the West Bank.

The Lemkin Institute further notes that the administration's decision to withhold promised funding from the United Nations Relief and Works Agency (UNRWA), the largest and most active UN agency in the Gaza Strip, risks placing the administration in the position of being an active perpetrator of genocide.

In light of this unequivocal support for Israel, which enables Israel's genocide, as well as President Biden's apparent ongoing unwillingness to change course or reign in the Israeli state, we urge all US officials critical of the Biden administration's policy towards Israel to resign, lest they risk further complicity in this high crime. We applaud Josh Paul and Craig Mokhiber for their resignations from the US State Department and the United Nations respectively early on in the conflict. We extend the same call to officials in other states actively supporting Israel and/or withholding UNRWA funding. Multiple resignations would be an unprecedented act of civic courage and genocide prevention.

President Biden's unflagging support for Israel, even in the face of clear atrocity crimes, is being criticized not solely by states in the Global South but also by US and Israel allies in the European Union. European Union foreign policy chief, Josep Borrell, criticized Biden's inveterate support for Israel on Monday, February 12. Referring to Biden's recent critical remarks about Netanyahu's Gaza assault, Borrell quipped, "Well, if you believe that too many people are being killed, maybe you should provide less arms in order to prevent so many people having been killed."

From the start of Israel's turn to the mass murder pattern of genocide after Hamas' October 7 attack on southern Israel, the United States has promised unflagging support for the Netanyahu regime, including bypassing the US Congress in December to send thousands of tank munitions to Israel without the scrutiny of lawmakers. The US has twice vetoed UN Security Council resolutions calling for "humanitarian pauses" (October 18) and a ceasefire (December 8). Several analysts, including US legislators and scholars, have argued that US funding to Israel, which amounts to \$3.8 billion per year, is illegal under the 1997 Leahy Law, which prevents the US from sending military aid to a country that uses that aid to commit human rights abuses.

Administration officials have gone on record dismissing charges of genocide against Israel as well as charges of complicity leveled against Biden administration officials. In November 2023, White House deputy national security advisor Jon Finer responded to US Congresswoman Rashida Tlaib, who asserted in an post on X that Biden was supporting genocide, with a rather turgid discussion of the word genocide: "All of that said, some of the characterizations and the terms used we believe have technical definitions, have certain historical resonance and weight, and that we do not accept their application to this particular war even as we continue to raise our serious concerns about the toll that this is taking on civilian life and the need to do even more to protect it." In December, National Security Council spokesperson John Kirby condemned South Africa's genocide case against Israel at the International Court of Justice (ICJ) as "counterproductive and completely without any basis in fact whatsoever."

In a recent case heard in the US District Court of the Northern District of California, *Defense for Children International-Palestine et al v. Biden et al.*, which charged President Biden, Secretary of State Antony Blinken, and Secretary of Defense Lloyd Austin with complicity in genocide, the US government invoked the Political Question Doctrine (PQD) to avoid responsibility. The PQD is meant to protect the separation of powers in accordance with the US Constitution. Although the judge in the case ruled in favor of the US government, dismissing the case as "non-justiciable" according to the PQD, he also affirmed the strong evidence that the US is complicit in genocide, ruling that "the undisputed evidence before this Court comports with the finding of the ICJ and indicates that the current treatment of the Palestinians in the Gaza Strip by the Israeli military may plausibly constitute a genocide in violation of international law."

US government spokespersons continue to underscore the ongoing "conversations" that the US purportedly has with Israeli authorities over the high death toll in Gaza, despite the fact that these "conversations" have not amounted to relief for the suffering of Palestinians.

None of the Biden Administration's tactics to deny genocide and avoid accountability will withstand the test of time. President Biden and key administration officials are on a path to be remembered as the principal enablers of one of the worst genocides in the 21st century.

The stakes of Biden's complicity extend well beyond the Palestinians currently suffering through horrifying and unconscionable atrocities perpetrated by the Israeli army. In normalizing genocide, and indeed, in attempting to hide genocide in plain view, Biden is jettisoning international law and laying the groundwork for a world in which genocide and other forms of

mass atrocity become a legitimized form of foreign and domestic policy, including in the US. Without an immediate shift in direction, the long-term consequences of Biden's foreign policy decision-making since October 7 will be disastrous for all humanity.