

that "occupation" is legal terminology, originating from Article 42 of the Hague Regulations, which were among the first formal statements of the laws of war and war crimes in the body of secular international law.

While a few "experts" quote Article 42, most are being disingenuous-primarily because it falls under a category titled, "Military Authority Over the Territory of the Hostile State." In other words, an "occupation" can only be on the territory of another state. Considering that the territory in question has never belonged to any state, and there has never been a "State of Palestine," this term clearly does not apply.

Historically, this territory-known as Judea and Samaria, which many refer to as the West Bank-has never been under any other sovereignty since the Jews last ruled in the area 2,000 years ago and were themselves conquered, occupied and colonized by foreign rule. First it was the Romans, followed by Byzantines, Muslims, Crusaders, Mamluks, Ottomans, British and then the Jordanians.

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All came from outside the territory to conquer, colonize and occupy—none gave sovereignty to the area, and the only people who remained throughout, despite oppression, were the Jewish people. So, <u>how is it possible</u> to "occupy" a territory to which you are indigenous and in which you have a history of sovereignty and independence? How also can that be illegal? Mr. Ben and Mr. Jerry didn't answer this.

Some might ask, whose land is it? Obviously, if you base your opinions on feelings or personal bias, it can belong to anyone you choose.

But international law and global treaties demonstrate that this land was <u>promised</u> to the Jewish people. The Balfour Declaration, which endorsed the establishment of a Jewish home in the area was incorporated into the Mandate for Palestine adopted by the League of Nations in 1922. This Mandate provided for the establishment of a "national home" for the Jewish people recognizing their "historical connection" to the land. This promise was never contravened by any other agreement or event. Why didn't Ben and Jerry clarify this?

The League of Nations' successor organization, the United Nations, in Article 80 of its Charter, once known unofficially as the Jewish People's clause, preserves intact <u>all the rights</u> granted to Jews under the Mandate for Palestine.

Under this provision of international law (the Charter is an international treaty), Jewish rights to all of the Land of Israel were <u>not to be altered</u> in any way. So, it should be clear that these territories are not in fact "occupied"—they are territories where the State of Israel has legitimate and well-grounded sovereign claims.

Ironically, for the "Men of Principle," their scruples appear to apply only to the Jewish state. While there are <u>dozens of occupations</u> around the world, Ben and Jerry do not seem interested in any other conflict, occupation, colony or foreign-ruled territory, except the one involving the State of Israel.

The United Kingdom occupies many territories around the world, like the Falkland Islands; Spain occupies parts of Northern Africa in their Ceuta and Melilla enclaves; while "Overseas France" includes island territories in the Atlantic, Pacific and Indian Oceans, French Guiana on the South American continent, and several peri-Antarctic islands. China occupies Tibet. Turkey occupies half of Cyprus.

None of these occupations, or many others, seem to bother the erstwhile "Men of Principle." The only territory that provokes them to opine in the *New York Times* is the <u>territory of Judea</u>, where their own Jewish history and ancient identity were formed.

The term Jew is simply a word that was adapted from the original Judean, meaning "coming from Judea." By negating Jewish attachment to Judea, the two ice cream impresarios <u>negate their own identity</u>, casting doubt on their statement that they are "proud Jews".

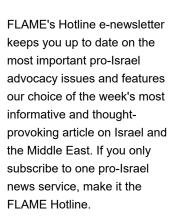
Finally, B&J founders Cohen and Greenfield argue that "a majority of the international community, including the United Nations, has deemed" Israel's occupation illegal. Let's be clear: *Votes by the UN General Assembly have no force of law.* Israel has been condemned by the UNGA in wild disproportion to

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other nations, each time led by the numerically powerful Arab and Muslim bloc in the UN.

While Ben and Jerry may have emotional—or even personal ethical—opinions on Israel's presence in the ancient Jewish homeland, its settlements there are <u>entirely legal</u>. What's more, these Men of Principle may be chagrined to learn, the Palestinians have *no legal claim* to this land. Their leaders have also rejected every Israeli offer to turn over large portions of the territory to them. B&J didn't mention that, either.

I hope you will point out to friends, family, colleagues and your elected representatives that Israel <u>doesn't govern</u> the day-to-day lives of the Palestinians. That is left to the Palestinian dictatorships in the West Bank and Gaza—which deny their people free speech, freedom of assembly, freedom of religion, rule of law and the right to vote. Perhaps Ben and Jerry should condemn these human rights violations in the *New York Times*.

Unfortunately, this argument does not begin or end with Ben & Jerry's, because the terminology of "occupation" is bandied about so often that the average person accepts it as a fact with a particularly bitter flavor. Only by telling the truth of this matter can we weaken the lie. The more this lie goes unchallenged, the stronger it becomes.

I hope you'll also take a minute, while you have this material front and center, to forward this message to friends, visit FLAME's lively <u>Facebook page</u> and review the P.S. immediately below. It describes FLAME's new *hasbarah* campaign —which exposes "The Ugly Truth About Hamas" and those who support the terrorist group.

Best regards,

Jim Sinkinson President, Facts and Logic About the Middle East (FLAME)

P.S. During the war between Hamas and Israel last May, many mainstream media, as well as leftists and a few progressive politicians, opposed Israel's defensive actions against unprovoked missile attacks by the Palestinian terrorist group. Some even actively supported Hamas's aggression. This despite the fact that Hamas is one of the world's most oppressive and warlike ruling parties. To dispel the myth that Hamas is an "underdog" representing legitimate Palestinian interests, FLAME has created a new hasbarah message called "The Ugly Truth about Hamas." I hope you'll review this convincing, fact-based paid editorial, which ran on July 4 in the Washington Post, Los Angeles Times, Chicago Tribune and other media nationwide. It spells out specifically Hamas's avowed mission to kill Jews and destroy the State of Israel. This piece will also be sent to all members of Congress, Vice President Harris and President Biden. If you agree that this kind of public relations effort on Israel's behalf is critical, I urge you to support us. Remember: FLAME's powerful ability to influence public opinion-and U.S. support of Israel -comes from individuals like you, one by one. I hope you'll consider giving a donation now, as you're able-with \$500, \$250, \$100, or even \$18. (Remember, your donation to FLAME is tax deductible.) To donate online, just go to donate now. Now, more than ever, we need

your support to ensure that the American people, the U.S. Congress and President Biden stay committed to realistic policies in relation to Hamas, Iran, Israel and the entire Middle East.

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