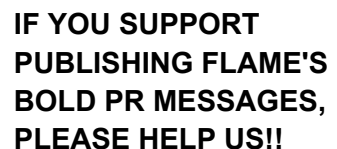


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Ironically, Mr. Biden recently made similar statements impugning the legitimacy of the United States Supreme Court. Following recent Court decisions, he said,

[illegible]

“It’s done more to unravel basic rights and basic decisions than any court in recent history.”

Clearly, Biden’s commentary on Israeli internal politics is unbecoming America’s greatest ally in the Middle East. Moreover, though Israeli prime ministers are typically invited to the White House immediately after a new U.S. President takes office, Biden has issued no such invitation.

Given media coverage of Israel’s judicial reform, Americans would be forgiven for believing that Israel’s “radical” government wants to disarm, if not devastate, its independent Supreme Court. Nothing could be further from the truth.

One Israeli opponent of Israel’s judicial reform told me, “I prefer a dictatorship of the judiciary to a dictatorship of the politicians.” In essence, he was saying, “I trust the *leftist* Supreme Court to keep the *rightist* government in check.”

While his trust is sound, based on decades of left-leaning Supreme Court decisions impinging on Israel’s legislature, the judiciary is not democratic. Indeed, while Israel’s Supreme Court well fits the definition of dictatorship, its government is and has been always duly, democratically elected.

For example, U.S. Supreme Court Justices are nominated by an elected official—the President—and confirmed by the Senate—a chamber of elected officials. In Israel, by contrast, Supreme Court Justices are chosen by a Judicial Selection Committee of nine individuals, which is controlled by non-elected officials and has consistently appointed left-leaning judges—overwhelmingly Ashkenazi and non-religious.

The Netanyahu government—composed of many religious members, as well as Jews with Middle Eastern heritage—wants to give elected representatives authority to appoint judges, just as in the U.S.

In fact, no other democratic country allows supreme court justices to choose their own successors. While this reform may weaken Israel’s judicial *dictatorship*, it doesn’t eliminate its independence, any more than the U.S. system does.

Israel’s judicial dictatorship also enjoys other privileges that will boggle the American mind. Critics accuse the government’s judicial reform of decimating democratic checks and balances—when in fact the Israeli Supreme Court is subject to virtually *none*.

In the U.S., the Constitution limits the power of the Supreme Court to override *only* the decisions of elected officials that are unconstitutional. In contrast, Israel’s Supreme Court has the power to strike down any decisions of elected officials—from ministerial appointments to military strategy—whether defined by law or not.

Even more egregious, Israel’s Supreme Court has the power to override *any* legislative decisions based on a blatantly subjective criterion—“reasonableness.” Very simply, if the Court sees something it believes is “unreasonable,” it may strike it down.

FLAME is the only organization that defends Israel with paid editorial hasbarah messages placed in media nationwide every month: The dire threats from Iran, Hamas and Hizbollah, the injustice of BDS, Palestinian anti-Semitism and more. If you support a bold voice that tells the truth about Israel in American media, please donate now.

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## FLAME'S WEEKLY HOTLINE E-NEWSLETTER



FLAME's Hotline e-newsletter keeps you up to date on the most important pro-Israel advocacy issues and features our choice of the week's most informative and thought-provoking article on Israel and the Middle East. If you only subscribe to one pro-Israel news service, make it the FLAME Hotline.

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The most recent use of this criterion was a Supreme Court order that Netanyahu dismiss Arye Deri—an elected member of the Knesset—from his cabinet this past January due to prior criminal convictions . . . though no law prohibits him from serving. Courts in the U.S. are not permitted to intervene in such appointments unless they are unlawful.

Thus, Netanyahu’s government is currently working to amend the law so its undemocratic judicial body cannot simply strike down decisions of elected officials because they personally judge them “unreasonable.”

Above all, despite the hysteria emanating from the White House and the *New York Times*, Netanyahu’s effort to reform the system is proceeding in a manifestly democratic fashion.

Indeed, Netanyahu’s democratically elected government, has made utmost efforts to reach a consensus on judicial reform.

Unfortunately, opposition parties walked out of the talks. No surprise that Netanyahu has carried on with the legislation—a relatively modest effort to eliminate reasonableness-based judicial vetoes of ministerial and administrative appointments made by elected officials.

While Mr. Biden has insisted that the Netanyahu government achieve consensus with the opposition on its judicial reform measures, he apparently forgets that when President Obama wanted to make a treaty with Iran in 2015, he did it without any congressional approval.

Biden is also surely aware of massive demonstrations in France recently protesting the move by French president Emmanuel Macron to raise the retirement age by two years . . . *without* approval by parliament. Yet Mr. Biden has issued no condemnations about the lack of French consensus.

Please make the point when speaking with family, friends, colleagues—or in letters to the editor—that Biden’s meddling in internal Israeli politics is inappropriate and unwelcome.

What’s more, given Biden’s apparent approval of Mr. Obama’s unilateral implementation of a manifestly unpopular Iran Deal . . . and given Biden’s silence in the face of Macron’s nonconsensual end-run around French democracy, the President’s criticism of Israel is the height of hypocrisy.

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 [Facebook page](#) and review the P.S. immediately below. It describes FLAME’s new *hasbarah* campaign—“Can Biden’s Plan Beat Antisemitism?”—which boldly challenges the Administration to use its new Strategy to Counter Antisemitism courageously, prosecuting and condemning all antisemitism from every corner of American societys—including Congressional members, ethnic studies programs, and attacks on Jews by minority groups.

Best regards,

James Sinkinson, President

Facts and Logic About the Middle East (FLAME))

P.S. You've surely seen headlines describing skyrocketing attacks on Jews in recent years and months—and you probably heard about the President's new National Strategy to Counter Antisemitism. But all evidence indicates that the Administration is *not* committed to fighting antisemites among its own voters and party officials. I hope you'll agree that we opponents of antisemitism across all sectors of American society need to speak out. FLAME's new *hasbarah*—explanatory message—“[Can Biden's Plan Beat Antisemitism?](#)”—enumerates some of the antisemitic offenders most damaging to American Jews . . . and most likely to be *ignored* by the Administration. I hope you'll review this convincing, fact-based editorial, which FLAME intends to publish in the *Wall Street Journal*, *Washington Post*, *New York Post*, *Chicago Tribune*, *Houston Chronicle*, *Star Tribune* and *Los Angeles Times*. 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](#).

As of today, more than 15,000 Israel supporters receive the FLAME Hotline at no charge every week. If you're not yet a subscriber, won't you join us in receiving these timely updates, so you can more effectively tell the truth about Israel? Just go to [free subscription](#).



Facts and Logic  
About the Middle East  
PO Box 3460  
Berkeley, CA 94703

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