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News & Opinion About Palestine, Israel & the United States

NEWSLETTERS

The Shift: “Free Palestine” is a hate crime?

BY [MICHAEL ARRIA](#) - JANUARY 26, 2023 - 2



JEWBELONG BILLBOARD AT SAN PABLO AVE. AND HEARST ST. IN BERKELEY. (PHOTO/JEWBELONG)

In last week's newsletter we covered billboards that were recently [launched](#) by the group JewBelong in Berkeley. “You don't need to go to law school to know anti-Zionism is antisemitism,” reads their text. It's a reference to a [phony narrative](#) pushed by pro-Israel groups about a Berkeley Law student organization's anti-Zionist bylaw.

JewBelong's entire schtick is to make provocative statements intended to be humorous in support of Israel. Some of these stabs at humor are presumably confounding to even the most ardent fans of apartheid. For instance, last year the group made a Facebook post depicting Volodymyr Zelenskyy in a flak jacket next to Bernie Sanders at Biden's inauguration. "Jewish and proud still means something," [reads](#) the text. "Praying for peace."

Anyway, shortly after those billboards went up a couple of them were spray painted with the message, "Free Palestine." I've mentioned how JewBelong was cofounded by Archie Gottesman, who once declared that Gaza was "full of monsters" and that it was "time to burn the whole place." After the vandalism, she [told](#) the press that she thought the graffiti constituted hate crime.

This might sound like a ridiculous position, but that's not how the Berkeley Police Department views the situation. The cops [confirmed](#) to the *Jewish News of Northern California* that they are investigating the incident as a hate crime.

A Berkeley resident who has donated to JewBelong told the website that she was the one who reported the graffiti to the police. "It makes me feel nervous. It makes me feel vulnerable and scared," she said.

This is amazing stuff. A pro-Israel group co-founded by a woman who called for a genocide in Gaza and is known for its purposely inflammatory rhetoric erects a bunch of billboards smearing anti-Zionists, many of whom are actually Jewish. Days later a right-wing group called Accuracy in Media sends [mobile billboards to the homes of anti-Zionist students](#) connected to the aforementioned student bylaw. The big domestic story on our site this month has been the case of Kenneth Roth, the former Human Rights Watch director who originally got his Harvard fellowship rescinded for criticizing Israel. The Roth [decision](#) was reversed, but widespread support and eventual victory is not the norm for most academics who defend Palestine.

"Harvard reversed because Ken Roth has the platform to tell his story. But for every man at the top of his field who is censored for speaking about Palestine, there are multiple women of color, junior professors, and first-generation scholars who we never hear about," Palestine Legal after Roth was offered the fellowship. "Many careers are destroyed by those seeking to silence any criticism of Israel's brutality. This is the Palestine Exception to free speech, it's routine and it must be reversed on every campus."

This is the climate, but somehow the phrase “Free Palestine” is a hate crime that should make people feel vulnerable and scared.

Massacre in Jenin

This newsletter is generally only devoted to what happens in the United States but the most important story at the moment is obviously out of Jenin, where Israeli forces recently carried one of the deadliest raids that we’ve seen in the West Bank. Nine people were killed in the brutal assault and a tenth was murdered later in the day. One of the victims was a 61-year-old woman. Twenty people were reportedly injured, including four who are currently in critical condition.

Yumna Patel and Mariam Barghouti [detail](#) the horrific details at our site:

The raid began around 7:15 am on Thursday morning when undercover Israeli special forces entered the camp in a commercial truck. According to local sources, the special forces were targeting the apartment of [Alaa Sabbagh](#), a former leader of the Al-Aqsa Martyrs Brigade, Fatah’s armed wing, who was killed by Israeli forces in the camp in 2002.

Sabbagh’s home was reportedly being used by a number of fighters affiliated with the [Jenin Brigade](#), an armed resistance group from the camp composed of fighters from various political factions.

Israeli forces fired rocket launchers and other explosives at the apartment building, causing the fighters inside to respond with live ammunition. The attack on the apartment also sparked clashes in the surrounding areas, with armed fighters firing toward the Israeli troops.

Shortly after the operation began, “hundreds” of Israeli troops raided the area, with a convoy of military jeeps and bulldozers entering the boundaries of the camp. Sources told Mondoweiss that as the bulldozers moved through the streets, they destroyed cars parked in the area and “everything in their wake.”

One can expect deafening silence on this from most U.S. politicians. Outside of a few House members, the only statements you’ll see will presumably call for an end to violence on “both sides” and allude to the possibility of a two-state solution one day. We’ve

seen some rhetorical shifts since Trump left office, but the Biden administration has done absolutely nothing to curb Israeli aggression. They oppose the very idea of conditioning military aid to the country over its consistent human rights abuses. Next week Secretary of State Tony Blinken will visit Israel to build the U.S. government's relationship with the most right-wing government in Israeli history.

Odds & Ends

???????? David Rothkopf [says](#) that Israel is an apartheid state, but that the U.S. should keep sending it military aid.

???????? Sarah Margon, who was nominated by Biden to serve assistant secretary of State for democracy, human rights and labor, has withdrawn her candidacy.

From [Politico](#):

Margon faced opposition from the Senate Foreign Relations Committee's ranking Republican, Jim Risch of Idaho. Risch, citing past tweets of hers, accused Margon of supporting the Boycott, Divestment and Sanctions movement, which targets Israel due to its policies toward the Palestinians.

Margon [denied supporting the BDS movement](#), but her attempts to clarify the tweets didn't sway Risch. Neither did [a letter of support from a bipartisan group of foreign policy professionals](#), some of them prominent in the Jewish community, who dismissed the anti-Israel allegations against Margon.

???? I [wrote](#) about Dr. Lara Sheehi and how the Ken Roth victory is an outlier.

???????? SJP's 2023 [conference](#) is happening February 17-19th.

???????? Rep. Rashida Tlaib on [Twitter](#): "Palestinians may be banned from flying their flag under an apartheid government, but we can still proudly do it at my office. I'm proud to be a Palestinian American and I want the Palestinian people to know that not all Americans support apartheid. No one can erase our existence."

✉ The latest [effort](#) to smear UN Special Rapporteur Francesca Albanese comes from Rep. Brad Sherman. He's circulating a letter calling for her to be removed over her belief

that Palestinians should be protected by international law. Only ten congress members have signed this. Progress of a kind perhaps.

???? Rep. Ritchie Torres on Twitter: “I support the State Dept as it proceeds to build an embassy where it belongs, in a country’s capital. Israel should be no exception. Siting an embassy in Jerusalem means complying with a decades-old law whose implementation is long overdue: the Jerusalem Embassy Act of 1995.”

So Torres thinks we need to abide by the Jerusalem Embassy Act and not make an exception for Israel when Palestinian land is being stolen, but he thinks we need to disregard The Leahy Law and make sure Israel is an exception when it kills Palestinians.

???? Here’s Nevada Democratic Senator [Jacky Rosen](#), who J Street was recently [praising](#) for refusing to meet with some of Israel’s far-right parties: “During our meeting with PM Netanyahu, we discussed our steadfast and unwavering support for the U.S.-Israel relationship, the historic Abraham Accords, and the threat from Iran. I was pleased to hear his commitment to maintain the status quo at the Temple Mount.”

???? The ACLU, Americans for Peace Now, Center for Constitutional Rights, and dozens of other civil rights organizations sent a letter to the American Bar Association (ABA) opposing a new resolution to adopt the IHRA’s working definition of antisemitism. “Just as we believe the ABA should be involved in fighting antisemitism, we believe the ABA – consistent with its commitment to the rule of law, the legal process, holding governments accountable under law, human rights, and justice – has an important role to play in conveying concerns about Israel and its policies,” it [reads](#). “With that in mind, we are concerned that the reference to the IHRA definition in the ABA resolution would undermine the ABA’s own ability to engage on key issues related to Palestinian rights, including in support of human rights defenders who are increasingly under attack.”

THE SHIFT

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Dan Walsh ●

🕒 January 27, 2023 6:49 pm

The text of the billboard published by JewBelong reads: *You don't need to go to law school to know anti-Zionism is antisemitism.*

MW – “Anyway, shortly after those billboards went up a couple of them were spray painted with the message, “Free Palestine.” ... The cops confirmed to the *Jewish News of Northern California* (JNNC) that they are investigating the incident as a hate crime.”

According to JNNC, Archie Gottesman, JewBelong’s co-founder, said: “I feel strongly this is a hate crime. I don’t see it any other way”.

I know nothing about Ms.Gottesman’s education or training or if she has a law degree, but one *does* need a law degree to identify and prosecute a hate crime. It will be interesting to see how the Berkeley Police Department, which I am sure has access to superbly qualified lawyers, turn an act of Palestine solidarity-via-vandalism into a legitimate hate crime charge.

Consider that as per the DOJ/FBI FBI Uniform Crime Reporting (UCR) Program:

“The first level is the law enforcement officer who initially responds to the alleged hate crime incident, i.e., the “responding officer” (or “first-level judgment officer”). It is the responsibility of the responding officer to determine whether there is any indication that the offender was motivated by bias. If there is, the officer is to designate the incident as a “suspected bias-motivated crime” and forward the case file to a “second-level judgment officer/unit.”

It is the task of the second-level judgment officer/unit to review carefully the facts of the incident and make the final determination of whether a hate crime has actually occurred. If so, the incident is to be reported to the FBI UCR Program as a bias-motivated crime.”

CRITERIA OF A HATE CRIME

“Bias Motivation

The FBI Uniform Crime Reporting (UCR) Program collects hate crime data regarding criminal offenses motivated, in whole or in part, **by the offender’s bias against a race, religion, disability, sexual orientation, ethnicity, gender, or gender identity.** (My emphasis)

Due to the difficulty of ascertaining the offender’s subjective motivation, bias is to be reported *only if* investigation reveals sufficient objective facts to lead a reasonable and prudent person to conclude that the offender’s actions were motivated, in whole or in part, by bias.”

(cont.)

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Dan Walsh ●

🕒 January 27, 2023 6:51 pm

“Free Palestine” is a statement of support *for* a political outcome. Equating the articulation of the idea of a free Palestine with anti-Jewish bias is a recent Zionist fabrication. Let’s see if the BPD has “reasonable and prudent” investigators on board who can see through Ms. Gottesman’s “feelings” and apply the law correctly.

We should also use this episode to backlight the longstanding Zionist tactic of pressing public agencies – Federal, state and local – to accomplish political goals they cannot achieve via the ballot box or the law.

This is important because once a state agency or credible institution takes a position supportive of the Zionist claim and it makes it to the pages of the MSM even if in the end the charge is dismissed or ends in acquittal *it is the charge itself that carries a stigma* which can do as much damage as an actual finding of guilt.

Question for Any Zionist: Is it antisemitic according to IHRA to point out the hypocrisies and contradictions within the Zionist discourse?

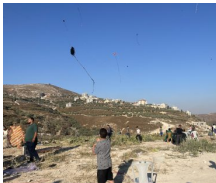
[View here 525 Palestine posters that were censored or blacklisted](#)

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