

Dangerous Conditions: *The Case Against Threatening Israel's Qualitative Military Edge*



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I. Executive Summary

“As I have said repeatedly, America’s commitment to Israel’s security is unshakable.” These were President Obama’s words at the 2016 signing of a ten-year memorandum of understanding (MoU) that pledged an unprecedented level of U.S. military assistance to the Jewish state.¹ Such concrete support for Israel’s self-defense has been a key element of U.S. policy for decades, and it forms the centerpiece of America’s bipartisan commitment, codified in U.S. law, to uphold Israel’s “qualitative military edge” (QME).

Yet, amid both last year’s Democratic presidential primary and the expected but then postponed Israeli extension of sovereignty (what some call “annexation”) to parts of the West Bank this summer, there has been a growing chorus of calls in the progressive wing of the Democratic Party to condition this assistance on Israeli policy toward the Palestinians. “If you want military aid,” Sen. Bernie Sanders (I-VT) recently suggested to Israel, “you’re going to have to fundamentally change your relationship with the people of Gaza. Some of that \$3.8 billion should go to humanitarian aid to Gaza.”²

These calls oppose the party’s progressive wing against President-elect Joseph Biden and the leadership of the party. In November 2019, Biden called defense assistance to Israel “the best \$3 billion investment we make,” adding that “the idea that we would cut off military aid to an ally, our only true, true ally in the entire region, is absolutely preposterous. It’s just beyond my comprehension anyone would do that.”³ Similarly, the Obama Administration maintained a firewall protecting defense assistance from policy disagreements, even at the height of tension with Israel over the Palestinians or Iran.

Going forward, given growing momentum behind calls for conditioning aid, it will not be enough to simply continue insisting on this firewall. Reestablishing a bipartisan consensus on the importance of U.S. assistance to Israel, without conditions, is critical. This will require U.S. officials, policymakers and particularly Democratic Party leaders clearly making the case that aid to Israel is critical both to protecting U.S. national security interests, by preserving America’s relationship with its most important strategic and operational partner in the Middle East, and to creating the conditions that might enable peace. Conditioning aid would be dangerous for the United States and counterproductive to progressives’ stated goals.

Defense assistance to Israel, and maintaining Israel’s QME, directly promote U.S. interests in peace and stability in the Middle East. In the era before significant U.S. defense assistance to Israel, the region experienced regular outbreaks of major wars all stemming from the perception among Arab states that Israel, which lacked superpower backing, was vulnerable and could be set back or defeated. In the aftermath of the 1973 Yom Kippur War, American strategists realized that boosting Israel’s self-defense capability was the best way to prevent such conflicts in the future.

Now, as the United States retrenches from the Middle East, it relies increasingly on Israel to protect and advance shared interests in the region. As stated in national security strategies from both the Obama and Trump administrations, allies increasingly are expected to help fill the gaps created by U.S. retrenchment. President Obama’s 2015 strategy emphasized how “Israel [is] essential to advancing our interests” and “we are therefore investing in the ability of Israel ... to deter aggression while maintaining our unwavering commitment to Israel’s security, including its Qualitative Military Edge.”⁴

More than any other U.S. ally, Israel is indeed stepping up to shoulder a greater share of the burdens of collective defense, especially vis-à-vis Iran. Jerusalem has taken the lead in rolling back Tehran's regionwide military expansion and deterring a major war that would jeopardize U.S. regional interests. And unlike many formal U.S. allies, Israel pointedly does not ask for American troops to assist in its defense. As these burdens on Israel increase, the importance of military assistance and Israel's QME for upholding U.S. interests grow as well. Meanwhile, that assistance, which according to the most recent MoU must be spent in the United States, supports American jobs.

Those in favor of conditioning aid to Israel also misconstrue how Jerusalem spends these funds. U.S. assistance does not underwrite Israeli policies in the West Bank or toward Hamas-controlled Gaza. Effective rules governing the use of defense assistance funds already are embedded in U.S. law to restrict how Israel can use U.S. foreign military financing and U.S.-supplied defense equipment, and Washington has exercised consistent vigilance ensuring Israeli defense authorities comply with these requirements. As President Obama's former ambassador to Israel stated last year, "if, tomorrow, we said none of our funds could be used to support annexation, we could still provide the same amount."⁵

In fact, rather than being used against Palestinians, U.S. military assistance to Israel helps protect Palestinians and Israelis alike, and affords Jerusalem a level of strategic patience that minimizes its need or urgency for potentially escalatory military campaigns. To take an obvious example, the Iron Dome missile defense system, developed with the United States, mitigates Israel's need for military incursions into the Gaza Strip despite over a decade of rocket, mortar and tunnel attacks from that territory. Moreover, defense assistance conforms with an established pattern of U.S. security assurances for Israel, in exchange for Israel taking serious risks to accomplish peace with its Arab neighbors and the Palestinians. In this light, the MoU is not merely an aid package to Israel but a vehicle for encouraging peace. Similar guarantees were central to the Israel-Egypt peace treaty, and to successive efforts at reaching a comprehensive Israeli-Palestinian peace accord since the 1990s. As President Clinton put it tellingly in a 1993 press conference with Israeli Prime Minister Rabin, "he has told me that he is prepared to take risks for peace. He has told his own people the same thing. I have told him that our role is to help to minimize those risks. We will do that by further reinforcing our commitment to maintaining Israel's qualitative military edge."⁶

Despite these benefits to U.S. national security and the pursuit of peace, the growth of anti-Israel opinion within the left wing of the Democratic Party, the adoption by increasing numbers of progressive groups of conditioning aid as a policy priority and broad changes in U.S. public opinion suggest greater long-term challenges. Should progressives come to dominate the Democratic Party, it is hard to imagine they will not pursue the issue of conditioning aid to Israel.

To clarify the benefits to the United States of defense assistance to Israel, and to counter the growing arguments against it, Congressional and White House leaders should underscore how continued defense assistance to Israel serves U.S. national security interests without prejudicing the prospects for peace. We suggest:

- Democrats supportive of the U.S.-Israel alliance should prioritize engaging, and when necessary, confronting, progressives in their party to counter the growing hostility toward military aid to Israel, and to clarify how such assistance can actually have

beneficial impacts on Israeli policy toward the Palestinians. Democrats are best situated, to the extent it is possible, to make a persuasive case to progressives on this issue.

- Congressional hearings on Israel's QME and its role in protecting U.S. interests – perhaps in the context of discussions over the potential sale of F-35 aircraft to the United Arab Emirates and others.
 - Such hearings should include discussions of the importance of U.S. defense assistance for maintaining Israel's QME.
- Statements of policy, resolutions, public letters and related greater clarity from Congressional leadership, especially Democratic members, supporting and underscoring how:
 - The U.S. commitment to Israel's QME serves America's national security interests; and
 - U.S. defense assistance offers Israel strategic patience and other assurances that can reduce conflict with the Palestinians and even bolster chances for peace.
- Inserting clearer and more fully elaborated justification and explanatory language in future Congressional authorizing legislation on U.S. defense assistance to Israel, explaining how such assistance is in America's self-interest.
- Public statements and publications from the White House and the State and Defense departments laying out how Israel's QME contributes to Middle East stability and serves vital U.S. national security objectives.
 - Similar statements were issued by the State Department's Bureau of Political-Military Affairs in 2010-11; these are now in need of updating and renewed emphasis, in response to the Iran threat, U.S. retrenchment from the region and growing burdens on Israel to uphold regional stability.
- Public statements and publications from the White House and State Department explaining how U.S. security guarantees can enable Israel to take strategic risks in pursuit of a comprehensive peace agreement with the Palestinians.

II. U.S. Defense Assistance to Israel

A. Longstanding Bipartisan Support for Israel's Self-Defense

Supporting Israel's ability to defend itself has long been a pillar of U.S. national security policy in the Middle East. Since it was first articulated at the height of the Cold War, when Israel was a frontline partner against the Soviet bloc, this policy has become more sharply defined as ensuring the Jewish state's "qualitative military edge," or QME, over its neighbors.⁷ This was codified in a 2008 U.S. law as Israel's ability to counter and defeat credible military threats through superior military means while sustaining minimal damages and casualties. Subsequent laws have made it official U.S. policy to support this concept of QME.⁸ Amid rising partisanship in recent years, such backing for Israel increasingly stands out for its bipartisan support.

The centerpiece of this support, dating back at least to the 1973 Yom Kippur War, has been the maintenance of Israel's QME. Since 1998 this has been formalized through three successive ten-year memoranda of understanding (MoU) on missile defense cooperation and foreign military financing (FMF) for Israeli purchases of U.S. defense equipment. Under the Clinton Administration, the first MoU provided \$21 billion in FMF for fiscal years (FY) 1999-2008; a follow-on agreement by the Bush Administration in 2007 spelled out \$30 billion in FMF and missile defense assistance for FY2009-18.⁹ Negotiated by the Obama Administration and signed in 2016, the current MoU represents an unprecedented level of commitment to an ally and underscores Israel's importance as an anchor for U.S. interests in the Middle East. It provides \$33 billion of FMF plus \$5 billion for joint missile defenses over FY2019-28. Unlike the preceding two agreements, the current MoU phases out Israel's ability to spend even a fraction of annual FMF on anything other than U.S. defense products.¹⁰

These MoUs are not legally binding, and throughout their duration the assistance they specify still requires annual appropriation by Congress. Underscoring the historic bipartisan support for Israel, over the past twenty-plus years Congress has largely followed the terms of MoUs regardless of which party controlled either house at the time.¹¹

B. Obama Firewall and Commitment to Israel's Self-Defense

The Obama Administration continued this bipartisan tradition of supporting Israel's QME, even amid serious policy disagreements with Prime Minister Netanyahu throughout President Obama's two terms. This support helped build a firewall protecting the security partnership from political disputes between Washington and Jerusalem.

To be sure, there were real and persistent strains in the relationship throughout Obama's presidency. On more than a dozen occasions, including Obama's marquee 2009 Cairo address to Arab and Muslim audiences, he and then Vice President Biden publicly excoriated Netanyahu on Palestinian issues – sometimes in the presence of Netanyahu himself.¹² Asked early in his presidency by American Jewish leaders if it was not a mistake to let so much "daylight" show between the United States and Israel, Obama shot back, "We had no daylight for eight years [under George W. Bush], but no progress either."¹³ At the other end of his presidency, his administration conspicuously abstained from vetoing U.N. Security Council Resolution (UNSCR) 2334, which claimed Israel's settlement activities flagrantly violate international law and have no legal validity.¹⁴

Despite these tensions, bilateral defense and intelligence cooperation rose to unprecedented heights during the Obama administration, culminating in the historic ten-year \$38 billion MoU in 2016, which remains the single largest commitment of military aid to any country in U.S. history. When the MoU was signed, President Obama commented:

As I have said repeatedly, America's commitment to Israel's security is unshakeable. Over the past eight years, my Administration has time and again demonstrated this commitment in word and deed.... For as long as the State of Israel has existed, the United States has been Israel's greatest friend and partner, a fact underscored again today. This commitment to Israel's security has been unwavering and is based on a genuine and abiding concern for the welfare of the Israeli people and the future of the State of Israel.¹⁵

In perhaps the clearest example of how the bilateral security partnership was compartmentalized from Palestinian issues, the 2016 MoU was signed only three months before the administration abstained from UNSCR 2334.

C. Growing Progressive Calls for Conditioning Aid

This duality in Obama Administration policy reflected a balancing act between two approaches to Israel within the Democratic Party. Moderate or centrist Democrats tend to emphasize the strategic benefits to the United States of security cooperation with Israel, while also continuing America's decades-old pursuit of a two-state solution. Yet progressives tend to ignore or deny these security benefits and instead see U.S.-Israel relations through the lens of the dispute with the Palestinians.

On the surface, the American public's sympathy for Israel in comparison to Palestinians has been fairly consistent for decades. According to Pew, in the United States in 1978 the split was 45-14 in favor of Israel regardless of party; in 2018, it was 46-16.¹⁶ A Gallup poll in 2020 found a 60-23 margin of sympathy for Israel over the Palestinians.¹⁷ Yet beneath these numbers, the political ground is shifting. According to Pew, in 1978 the two parties were virtually indistinguishable in their sympathy for Israel, at 49 percent among Republicans and 44 among Democrats. By 2018 the former had risen to 79 percent and the latter plummeted to 27 percent.¹⁸

Furthermore, twenty years ago just over a quarter of Democrats and Democratic-leaning voters identified as "liberal" or "very liberal," compared to nearly half who described their political views as "moderate," according to Pew. In 2019 the former outnumbered moderates 47-38.¹⁹ Over that same period, "liberal Democrats'" net support for Israel compared to the Palestinians went from 30 percent in the black to 16 percent in the red, while "moderate Democrats" stayed roughly steady at around 18 percent net support.²⁰ Similarly, during that timeframe Gallup found net support from "liberal Democrats" for Israel fell from 15 to just three percent; for "moderate" and "conservative" Democrats the decline was from 36 to 28 percent.²¹ According to a September 2019 poll by Data for Progress, reducing U.S. assistance to Israel for "human rights reasons" had net support of 81 and 56 percent among very liberal and liberal voters, respectively, compared to 18 percent among moderates.²²

These trends were reflected in the primary campaigns for the 2020 Democratic presidential nomination. Sen. Bernie Sanders (I-VT) embraced conditioning aid and advocated it on many

occasions. “The United States government gives a whole lot of money to Israel, and I think we can leverage that money,” he said in one example. “If you want military aid, you’re going to have to fundamentally change your relationship with the people of Gaza. Some of that \$3.8 billion should go to humanitarian aid to Gaza.”²³ This came on the heels of a non-binding July 2019 House resolution condemning the boycott, divestment and sanctions (BDS) campaign to delegitimize Israel. The resolution passed 398-17 with support from 209 Democrats, and all but one of the nays came from Congressional Progressive Caucus (CPC) members, including both co-chairs.²⁴

In December 2019, the *New York Times* asked most Democratic presidential contenders whether the United States should maintain its current level of military aid to Israel. While Biden and several other candidates responded “yes,” Sanders’ campaign said “aid can be conditioned on Israel taking steps to end the occupation and move toward a peace agreement ... when Bernie is president, he will use every tool at his disposal, including the conditioning of military aid, to create consequences for moves (such as settlements or annexation) that undermine the chances for peace.” Sen. Elizabeth Warren (D-MA) proposed a more limited form of conditionality, saying “if Israel’s government continues with steps to annex the West Bank, the U.S. should make clear that none of our aid should be used to support annexation.”²⁵

In June 2020, on the eve of the possible extension of Israeli sovereignty over parts of the West Bank, Reps. Alexandria Ocasio-Cortez (D-NY) and Rashida Tlaib (D-MI) released a public letter to Secretary of State Michael Pompeo demanding the United States “pursue conditions on the \$3.8 billion in U.S. military funding to Israel ... equal to or exceeding the amount the Israeli government spends annually to fund settlements, as well as the policies and practices that sustain and enable them.”²⁶ The letter was signed by Sen. Sanders and a dozen members of the House progressive caucus. At the same time, more than 1,000 alumni of J Street U, the progressive organization’s student arm, released a statement calling on the group to “support legislation that would reduce American military assistance to Israel should it decide to unilaterally annex large parts of the West Bank.”²⁷ In early July, 11 Democratic senators and Bernie Sanders co-sponsored Sen. Chris Van Hollen’s (D-MD) amendment to the annual must-pass National Defense Authorization Act that would block U.S. defense assistance from being used by Israel to extend sovereignty over parts of the West Bank.²⁸

Around the same time, the pro-Israel chairman of the House Foreign Affairs Committee, Rep. Eliot Engel (D-NY), lost his primary to progressive challenger Rep. Gregory Meeks, who was endorsed by Sanders and Ocasio-Cortez. Tellingly, the ensuing competition for the chairmanship highlighted intra-party divisions over Israel, with Meeks initially calling for “applying pressure against Netanyahu should he annex territory, including leveraging U.S. aid,” before reversing himself less than two months later.²⁹

D. Maintaining the Firewall

Amid this backdrop, and by the time Israeli extension of sovereignty over parts of the West Bank was considered a real possibility in summer 2020, key parts of the Democratic Party – including at times a majority of its Congressmembers – made clear their basic opposition to Israeli policy on Palestinian issues. Yet simultaneously, like President Obama, the party’s leadership and platform compartmentalized this disagreement, emphasizing it would not affect U.S. defense assistance to Israel.

The runup to possible Israeli extension of sovereignty over parts of the West Bank certainly saw Democratic Party leadership in both houses speak out against such a move as detrimental to U.S. and Israeli interests alike.³⁰ Then in May 2020, 19 Senate Democrats sent Netanyahu and Defense Minister Benny Gantz an open letter cautioning against such a unilateral move, though they made no mention of U.S. aid, let alone conditioning it.³¹ The following month, two weeks before Ocasio-Cortez's and Tlaib's letter, 191 Democratic House members (out of a possible 233) wrote a separate open letter entreating Netanyahu to forego any extension of Israeli sovereignty over parts of the West Bank. The letter detailed everything Israel might jeopardize by proceeding – normalization with Arab states, Jordan's security, Israel's international standing – yet it conspicuously omitted any mention of jeopardizing U.S. defense assistance. Signatories included leaders of the House majority and the House Foreign Affairs subcommittee on the Middle East, as well as both leading candidates for the Foreign Affairs committee chairmanship.³²

Biden's presidential campaign echoed these letters as well as his previous statements as vice president and senator. In November 2019, he told PBS “the idea that we would cut off military aid to an ally, our only true, true ally in the entire region, is absolutely preposterous. It's just beyond my comprehension anyone would do that.”³³ The following month on the campaign trail, he responded to Sanders' calls for conditioning aid by sharply criticizing Netanyahu and any potential extension of Israeli sovereignty over parts of the West Bank, while also saying “the idea that I'd withdraw military aid, as others have suggested, from Israel, is bizarre. I would not do that. It's like saying to France, 'Because you don't agree with us, we're going to kick you out of NATO'.”³⁴

After effectively securing the Democratic nomination, in May 2020 Biden reiterated his criticisms of Trump's and Netanyahu's policies toward the Palestinians while also pledging that he is “not going to place conditions on security assistance [to Israel] given the serious threats the Israelis face. This would be irresponsible.”³⁵ That same month one of his top foreign policy advisers – former Obama deputy national security adviser and future Secretary of State nominee Anthony Blinken – said Biden “would not tie military assistance to Israel to any political decisions that it makes. Period. Full stop. He said it; he's committed to it. And that would be the policy of the Biden administration.”³⁶ In August then vice presidential nominee Sen. Kamala Harris said “Joe has made it clear he will not tie security assistance to any political decisions that Israel makes and I couldn't agree more. The Biden-Harris administration will sustain our unbreakable commitment to Israel's security, including the unprecedented military and intelligence cooperation pioneered during the Obama-Biden administration and the guarantee that Israel will always maintain its qualitative military edge.”³⁷

Directly echoing Obama's remarks at the 2016 MoU signing, Biden's 2020 campaign website states that his “commitment to Israel's security has been unshakable, fighting in the Senate for critical aid to Israel because it is the best \$3 billion investment we make. During the Obama-Biden Administration he helped shape the unprecedented 38 billion dollar 10-year MOU for defense assistance to Israel signed in 2016.” While echoing his own and other Democrats' criticisms of extending Israeli sovereignty over parts of the West Bank, Biden's campaign website also vowed his administration would “sustain our unbreakable commitment to Israel's security – including the unprecedented military and intelligence cooperation pioneered during the Obama-Biden administration, and the guarantee that Israel will always maintain its qualitative military edge.”³⁸

Differences among Democrats on Israel then came to a head during the drafting of the national platform in July 2020, in advance of the national convention to nominate Biden. Tellingly, a 117-34 vote by the platform committee rejected a proposal by a Sanders delegate to condition U.S. military assistance in the event of any Israeli extension of sovereignty over parts of the West Bank. Obama's former Undersecretary of State for Political Affairs Wendy Sherman told the committee this assistance "is a mutually beneficial investment, one that protects Israel against very real threats and helps promote security and stability in a region where we know all too well the cost of insecurity and instability."³⁹

Thus the final Democratic platform, while critical of extending Israeli sovereignty and explicitly supportive of Palestinian statehood, also states that "a strong, secure, and democratic Israel is vital to the interests of the United States. Our commitment to Israel's security, its qualitative military edge, its right to defend itself, and the 2016 Memorandum of Understanding is ironclad."⁴⁰

E. Defense Assistance Helps Israel Take Risks for Peace

The growing calls to condition defense assistance to Israel are tied to the possible Israeli extension of sovereignty over parts of the West Bank, as CPC co-chair Rep. Pramila Jayapal (D-WA) suggested when she warned that "aid might be used to move forward undemocratic or even racist policies in Israel." This echoes progressives' stated concerns that the U.S. government lacks oversight as to where its assistance to Israel goes. Yet a comment late last year from President Obama's former ambassador to Israel, Daniel Shapiro, suggests this is a red herring: "if, tomorrow, we said none of our funds could be used to support annexation, we could still provide the same amount."⁴¹

Indeed, effective rules governing the use of defense assistance funds already are embedded in U.S. law that restrict how Israel can use U.S. foreign military financing (FMF) and U.S.-supplied defense equipment. The 1952 U.S.-Israel Mutual Defense Assistance Agreement and Section 3(a) of the 1976 Arms Export Control Act (AECA) limit Israel's use of U.S. military supplies to self-defense, and they stipulate in detail the rules applying to the sale and use of exported U.S. weapons and materiel sold or transferred to other countries. The AECA includes a provision to restrict FMF for partner countries in cases of a "substantial violation (either in terms of quantities or in terms of the gravity of the consequences regardless of the quantities involved)."⁴² Calls to place additional conditions on how Israel spends funds therefore misdirect attention towards a recommendation disconnected from progressive concerns.

Moreover, Washington has exercised consistent vigilance in assuring Israeli defense authorities comply with these requirements, and the isolated historical cases where American authorities have questioned Israel's operational use of particular U.S.-made military items have typically been investigated in cooperation with the Israeli military.⁴³

In fact, rather than being used against Palestinians, Israeli equipment procured under successive MoUs is more likely to help defend Palestinians. Missile defense funding helps provide Iron Dome, David's Sling and Arrow batteries and interceptors that effectively defend the skies over the West Bank as well as Israel proper. Since 2016, the American and Israeli governments have cooperated on tunnel detection technology that the IDF has deployed on the borders with Gaza and Lebanon. The technology has reportedly helped Israel destroy twenty tunnels, including one extending into Israel in October 2020, rather than having

to conduct military incursions into Gaza to eliminate the tunnels as during the 2014 Gaza conflict.⁴⁴ Indeed, these same Iron Dome and tunnel defenses afford Israel the strategic patience to absorb certain levels of rocket and mortar fire from Hamas-controlled Gaza and thus reduce the likelihood of having to conduct on-the-ground campaigns to neutralize these launchers.

Moreover, defense assistance to Israel conforms with an established pattern of Washington offering commitments and assurances for Israel's security needs in exchange for Israel taking serious risks to accomplish peace with its Arab neighbors and the Palestinians. In this light, the MoU is not merely an aid package to Israel but a vehicle for encouraging peace. As part of Israel's withdrawal from Sinai following the Camp David Accords, the United States took the lead in establishing a multinational troop contingent in Sinai to monitor compliance with the treaty. The United States and Israel also agreed a memorandum of assurances that contained American pledges to consult with Israel and consider a greater regional U.S. military presence, should Egypt violate the treaty.⁴⁵ Specifically, the 1979 agreement acknowledged that in the event of a violation of the Israel-Egypt peace treaty:

The United States will provide support it deems appropriate for proper actions taken by Israel in response to such demonstrated violations of the Treaty of Peace. In particular, if a violation of the Treaty of Peace is deemed to threaten the security of Israel, including, inter alia, a blockade of Israel's use of international waterways, a violation of the provisions of the Treaty of Peace concerning limitation of forces or an armed attack against Israel, the United States will be prepared to consider, on an urgent basis, such measures as the strengthening of the United States presence in the area, the providing of emergency supplies to Israel, and the exercise of maritime rights in order to put an end to the violation.⁴⁶

Similarly, because the pursuit of peace between Israel and the Palestinians would require the Jewish state to take considerable security risks, any viable peace agreement would have to be premised on credible American commitments to support Israel's self-defense. In a 1993 press conference with Israeli Prime Minister Yitzhak Rabin, President Clinton made the importance of this credibility clear: "Prime Minister Rabin has told me that he is prepared to take risks for peace. He has told his own people the same thing. I have told him that our role is to help to minimize those risks. We will do that by further reinforcing our commitment to maintaining Israel's qualitative military edge."⁴⁷ In 2000, the Clinton Parameters for a comprehensive peace agreement included an "international presence in Palestine to provide border security along the Jordan Valley and monitor implementation," as well as "other essential arrangements to ensure Israel's ability to defend itself."⁴⁸ As part of efforts with Israel to secure separate peace agreements with Syria in the 1990s and with the Palestinians in 2014, the United States also offered American troops as part of peacekeeping forces in the Golan Heights and Jordan Valley, respectively.⁴⁹ Israel's unilateral withdrawal from Gaza in 2005, and the subsequent Hamas takeover of the territory as a launching pad for attacks on Israel, underscores the importance of such guarantees for giving the Jewish state faith in its future security, should peace fail. It also reinforces the importance of U.S.-Israel security cooperation – for instance on Iron Dome and counter-tunnel technology – in mitigating Israel's need to conduct further military operations in Palestinian territory.

III. Strategic Benefits of Military Assistance to Israel

The generally bipartisan opposition to conditioning defense assistance underscores Israel's growing roles in defending U.S. interests in the Middle East, and with it the vital importance of maintaining Israel's QME. As then-National Security Adviser Susan Rice said upon its rollout in 2016, "like so many aspects of the U.S.-Israeli relationship, this MoU is a win-win."⁵⁰ And as then-Vice President Biden said in 2012, "American support for Israel's security is not just an act of friendship ... it's in the fundamental national interest of the United States."⁵¹

When the current MoU was signed in 2016, President Obama declared it would bolster Israel's security "in what remains a dangerous neighborhood."⁵² In the four short years since, that neighborhood has only become more dangerous due to a combination of rising threats and U.S. retrenchment, making Israel's QME even more critical for upholding America's continued national security interests in the region.

The United States has considered the Middle Eastern balance of power to be a national security interest since at least the Carter Doctrine in 1980. Yet since the George W. Bush administration, presidents have been curtailing the U.S. presence as public opinion favoring greater focus on domestic issues has prevailed.⁵³ The advent of COVID-19 only increased the share of Americans who say the United States does too much in helping solve world problems. At the same time, much has been made of U.S. grand strategy pivoting away from the Middle East to focus on renewed great power competition, especially with China.⁵⁴

Yet the Middle East remains pivotal to global stability, and Washington has not defined down its interests there even as its regional roles recede. After Russia and China, the latest national security and defense strategies identify deterring and countering Iran as a main challenge, and call Iran a "rogue state" directly threatening American interests.⁵⁵ Indeed, this largely aligns with the Obama administration's official assessments of U.S. regional interests, which emphasized the overlapping goals of access to energy and preventing Iran from developing nuclear weapons, supporting terrorism or threatening its neighbors.⁵⁶

For the Obama and Trump administrations alike, U.S. retrenchment increased the importance of regional allies to help secure these goals by "magnifying U.S. power and extending U.S. influence," as the 2017 national security strategy says.⁵⁷ President Obama's 2015 strategy declared "We are therefore investing in the ability of Israel ... to deter aggression while maintaining our unwavering commitment to Israel's security, including its Qualitative Military Edge."

As these statements foresaw, Israel filled the growing gap between U.S. ends and means in the Middle East, even as threats to its QME – driven chiefly by Iran and its proxies – have become more urgent in recent years. Israel's ongoing "campaign between the wars," including more than 1,000 airstrikes, is the primary force consistently countering Tehran's regional expansion on the ground – in particular Iran's attempted proliferation of precision missiles and drones to Syria, Iraq and Lebanon. Iran's attempts to arm, train, and fund terrorist proxies around the region are not just a threat to Israel, but to numerous U.S. partners as well. Israel's attacks on this expansion promote not just Israeli security, but the security of the states that comprise the U.S.-backed regional order.

Often through direct cooperation with the United States, Israel also is at the forefront of the latest national security strategy's emphasis on countering Iran and other threats through missile defense, cyber, counterterrorism, nuclear counterproliferation and by building regional diplomatic coalitions. Joint missile defense development is stronger with Israel than even with America's formal allies, and recently has led to U.S. forces fielding Israeli-made Iron Dome systems.⁵⁸ Israel also has played leading roles in intelligence and counterproliferation efforts against Iran which, while mostly under the table, reportedly helped foil dozens of Islamic State and Iranian terrorist attacks around the world in just the past few years alone while also setting back Iran's nuclear program. Recent Israeli intelligence coups benefitting the United States include the seizure and revelation in 2018 of highly valuable information on Tehran's covert efforts to build a nuclear weapon, and warning the United States of possible Iranian attacks on U.S. interests in the Gulf in 2019.⁵⁹ Most recently, the Abraham Accords establishing Israel's formal ties with UAE and Bahrain helped strengthen regional cooperation against Iran, including in the Persian Gulf.

IV. Future of U.S. Defense Assistance to Israel

The current support for the U.S.-Israel security relationship appears set to remain on solid ground at least for the next four years, given President-elect Biden's strong track records of support for the MoU and defense assistance. His administration could be expected to work to thwart and, if necessary, veto any Congressional efforts to condition such assistance. While more letters, floor statements, interviews, resolutions and even active legislation in favor of conditioning aid can be expected from either or both houses, leadership in the Senate and House under either party in the next Congress can be expected to block binding legislative changes to U.S. defense assistance to Israel. Likewise, chairmanships of key House committees like Foreign Affairs, Armed Services and Appropriations are expected to remain with Democratic members opposed to conditioning defense assistance to Israel.

Nevertheless, shifting sentiments and priorities within the Democratic Party, and the American populace more broadly, could augur greater challenges over the longer term. Today, progressive Democrats who favor conditioning aid do not have the power to do so – but their faction within the party is growing, while the faction of the party that seeks to maintain the bipartisan status quo is seeing its political and ideological position increasingly challenged. It is not unreasonable to fear that at some point over the next decade, progressives who view conditioning aid as a foreign policy priority will prevail in the party and be in a position to enact their policy vision. Indeed, while the near-term political dynamics favor the status quo, sentiments and priorities within the Democratic Party, and the American populace more broadly, could continue shifting in ways that jeopardize assistance to Israel – even as the benefits of that aid to both Israel and the United States are likely to continue growing.

In order to clarify the benefits to the United States of defense assistance to Israel, and to counter the growing arguments against it, Congressional and White House leaders should help show how continued defense assistance to Israel serves U.S. national security. We suggest:

- Democrats who support the U.S.-Israel alliance should make it a priority to engage, and when necessary, confront, progressives in their Party to counter the growing hostility toward military aid to Israel, and to clarify how such assistance can actually have beneficial impacts on Israeli policy toward the Palestinians. Democrats are best situated, to the extent it is possible, to make a persuasive case to progressives on this issue.
- Congressional hearings on Israel's QME and its role in protecting U.S. interests – perhaps in the context of discussions over the potential sale of F-35 aircraft to the United Arab Emirates and others.
 - Such hearings should include discussions of the importance of U.S. defense assistance for maintaining Israel's QME.
- Statements of policy, resolutions, public letters and related greater clarity from Congressional leadership, especially Democratic members, supporting and underscoring how:

- The U.S. commitment to Israel's QME serves America's national security interests; and
- U.S. defense assistance offers Israel strategic patience and other assurances that can reduce conflict with the Palestinians and even bolster chances for peace.
- Inserting clearer and more fully elaborated justification and explanatory language in future Congressional authorizing legislation on U.S. defense assistance to Israel, explaining how such assistance is in America's self-interest.
- Public statements and publications from the White House and the State and Defense departments laying out how Israel's QME contributes to Middle East stability and serves vital U.S. national security objectives.
 - Similar statements were issued by the State Department's Bureau of Political-Military Affairs in 2010-11; these are now in need of updating and renewed emphasis, in response to the Iran threat, U.S. retrenchment from the region and growing burdens on Israel to uphold regional stability.
- Public statements and publications from the White House and State Department explaining how U.S. security guarantees can enable Israel to take strategic risks in pursuit of a comprehensive peace agreement with the Palestinians.

V. Endnotes

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